1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

9. Okchaiyutci, Koasati, Kan-tcati, Tawasa, Pawokti, and Atauga. Hawkins states that the first five classes consisted of Red towns, and 6 and 8 of White towns. The words with which he introduces classes 6 to 9 would lead one to expect that 7 and 9 were White towns also and in fact such was the case if we assume the supposed recent change in Alabama. On the other hand, class 8, which is said specifically to have consisted of White towns, contains one, Atasi, now reckoned as Red, and two, Fus-hatchee and Kolomi, of doubtful affiliations but which there are reasons for supposing to have been Red also. At least we should not expect to find them opposed to Kan-hatki, as here given. The classification of some of the Red towns also presents difficulties. The two towns in group 2 are still classed as Red towns, and none of those in group 5 is known to have been White, although this might have been suspected of Kan-hatki and also of Muklasa, supposing that Muklasa was an Alabama settlement. On the other hand, all of those towns in class 1 regarding which we have a record are now White, as are Wakokai and Potcas hatchee in class 3 and Abihkutci in class 4, while Adair so describes Coosa. We should suppose Natchez to have been of one "fire" with the intimate friends of its people, the Abihka, but have no means of knowing the status of Eufaula hatchee, nor of Opillako in class 1. Pakan tallahassee and the Okchai towns have been White within the memory of all living Creek Indians, yet Adair introduces a puzzle by speaking in one place of "the Okchai war town."[22] In brief, it does not seem as though much reliance can be placed on Hawkins's classification.

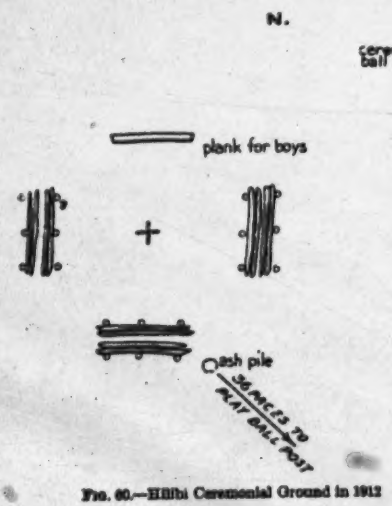

FIG. 60.—Hilibi Ceremonial Ground in 1912

EVOLUTION OF THE CREEK CONFEDERACY

Any discussion of the probable origin and evolution of the Creek confederacy must carefully distinguish between the native conception regarding its origin and evolution and the thing itself; between the psychological construction and the actual facts.

[22] Adair, Hist. Am. Inds., p. 262.

1: Swanton E-5 (1911-12)1928 NN1: Creek NN11
Muskogee

173
642

Our knowledge of the former is limited, however, by the fragmentary condition of the origin legends, and our ability to interpret the latter is also seriously hampered by the disappearance of much of the data necessary to a proper understanding of them. In the best preserved migration legends, which are from the Lower Creeks and indeed from the single town of Kasihta, we find that the names

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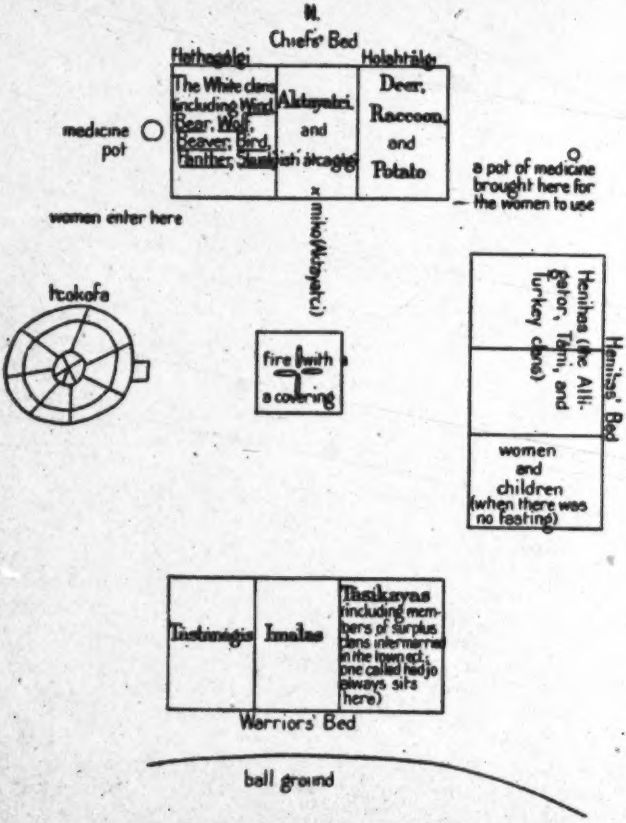
N.
Chiefs' Bed
Hathcegis
Holahtalgi
The White clans including Wind, Bear, Wolf, Beaver, Bird, Panther, Alligator
Aktapatci and Atcagis
Deer, Raccoon, and Potato
medicine pot
a pot of medicine brought here for the women to use
women enter here
miko(Aktapatci)
Itcokofa
fire with a covering
Henihas (the Alligator, Tahni, and Turkey clans)
Henihas' Bed
women and children (when there was no feasting)
Tastinagis
Imalas
Tasikuyas (including members of surplus clans intermarried in the town ex.; one called hadjo always sits here)
Warriors' Bed
ball ground

FIG. 61.—Plan of the Eufaula Square Ground (I)

of the Coweta, Kasihta, and Chickasaw are constantly associated. The Chickasaw certainly had a distinct origin, and are evidently introduced because they were friends of the Kasihta and were considered to belong to the same fire clan as that tribe; that is, "Chickasaw" was reckoned as a "White town." It is also worthy of note that in the very earliest version the Coweta are not mentioned until after the immigrants had reached Georgia, where it is implied that

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
Muskogee

the Kasihta separated into two parts, the Kasihta and Coweta. It is also to be noted that the Abihka are sometimes added, though in the Hawkins version the Abihka are said to have been encountered on Coosa River. The Alabama are mentioned once, and then perhaps merely to make out the formula number four. It seems evident from these stories that the Kasihta and Coweta were always considered

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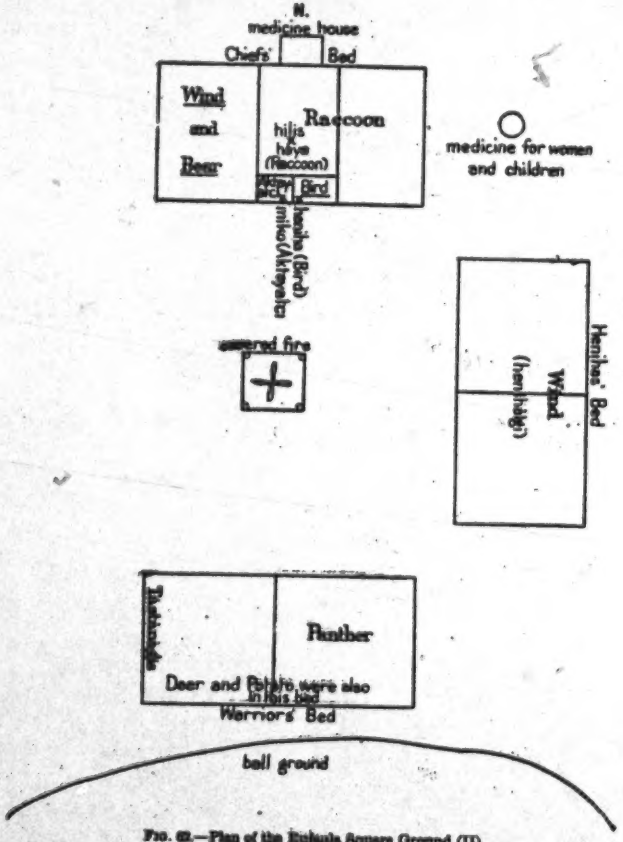

FIG. 62.—Plan of the Eukuna Square Ground (II)

closely related. Their connection with the Abihka is more remote, but it is interesting to find it recognized as closer than their connection with the Coosa. The Coosa appear only in the Chekilli narrative as a people encountered by the Kasihta and their allies on their journey eastward. In confirmation of this we find that in the Tulsa narrative, and in that of Milfort, the two which probably represent the Coosa story, the Kasihta and Coweta are not mentioned; indeed

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
Muskogee

173
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no tribe is except the Coosa and its later divisions. If we consider the traditions by themselves, then, we seem to find that one body of Muskogee came from the west and subsequently divided into two parts which came to be known as Kasihta and Coweta, and that they were early associated with another tribe, probably also Muskhogean, the Abihka. The Coosa, on the other hand, came from the west independently, and had no subdivisions until much later. The explanation of the two divisions of towns or "fires" is given in Judge Gregory's story, and there is reason to believe that they did actually originate with the division of the easternmost band of Creeks into Kasihta and Coweta, although the specific account of it is, of course, entirely mythic. This now seems plausible because, in the first place, these two towns are the only pair seemingly sprung from one stem, which are conspicuously set over against each other as leaders of the opposing sides, there being no such pairing of the Upper Creek leading towns. Moreover, Bartram records a traditional belief that the Creek confederacy had originated at the old town of Okmulgee on the river of that name—i. e., among the Lower Creeks. The later Okmulgee town was a Hitchiti settlement, but Muskogee lived along Ocmulgee River at an early date. In De Soto's time the people of Cofitachequi, which we have identified as Kasihta, knew Coosa well, and it is not improbable that the basis of the confederacy had already been laid. It is likely that it was in existence before the Tukabahchee united with the other towns, in spite of the later prominence of the former and in spite of the fact that some Creeks will tell you that the busk fire originated with the Tukabahchee and was by them distributed to the rest.

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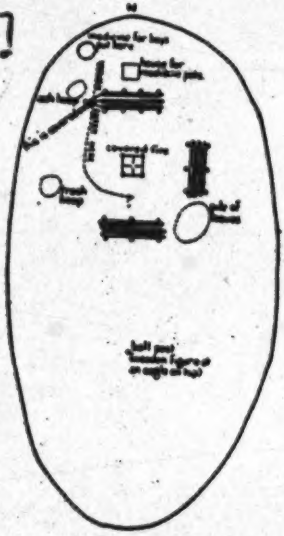

FIG. 68.—Eufaula Ceremonial Ground in 1912

Woodward says it was a matter of dispute among the Creeks whether Kasihta or Tukabahchee was settled first, but it was generally conceded that Kasihta was first settled.[23] Unfortunately we have no record, mythic or otherwise, as to how the friendship between Kasihta, Abihka, and Coosa grew up other than the references in the stories already given, and these do not explain why the friendship was between Abihka, Coosa, and Kasihta, rather than Abihka,

[23] Woodward, Reminiscences, p. 22.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
Alabama

173
642

Coosa, and Coweta. The oldest Upper Creek town on the Red side was probaby Ŀiwahali, but we do not know what its ancient relations were with Kasihta and Coweta. As between Coweta and Tukabahchee, we have some inkling of the mythic foundation for the friendship existing between them, in myths already given, and it is noteworthy that, if we take the testimony of a Tulsa Indian—which should have been comparatively unbiased—as well as that which may be derived from historical sources, Coweta was then the more important. The myths also tell us something of the relations between Ŀiwahali, Atasi, and Tukabahchee, but it is probable that

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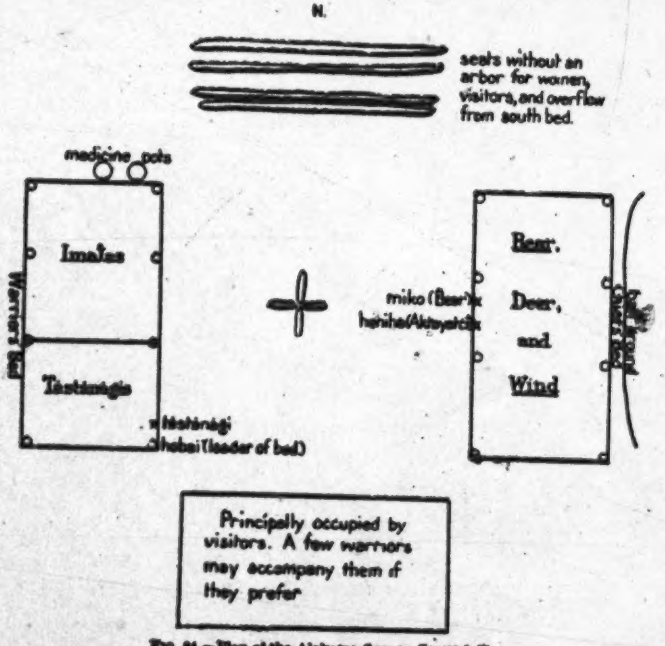

FIG. 84.—Plan of the Ajahuma Square Ground (1)

the first was already a friend of Coweta, Ŀiwahali having been long settled in the Upper Creek country.[24] From the scraps of information we can gather it would appear that Hilibi and Eufaula had once been situated farther east, and they may have been Red towns from early times. Altogether, it appears that the Red towns were fewer and mutually more independent than the White towns. With the exception of Coweta and its branch Ŀikatcha, the two Eufaulas, Upper and Lower, and probably Tukabahchee, Atasi, Kealedji, and Hatchee tcaba, the Red towns do not fall into well marked family

[24] Bull. 73, Bur. Amer. Ethn., pp. 284-288.

1: Swanton E-5 (1911-12)1928 NNII Creek NNII
Muskogee

173
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groups. And with the exception of Tukabáhchee and its associates, which, although later comers, were probably Muskogee in speech, there were few towns on this side of alien blood. The only certain exceptions, in fact, were Chiaha and Osochi. The former, in some way or other, had early entered upon terms of the greatest intimacy

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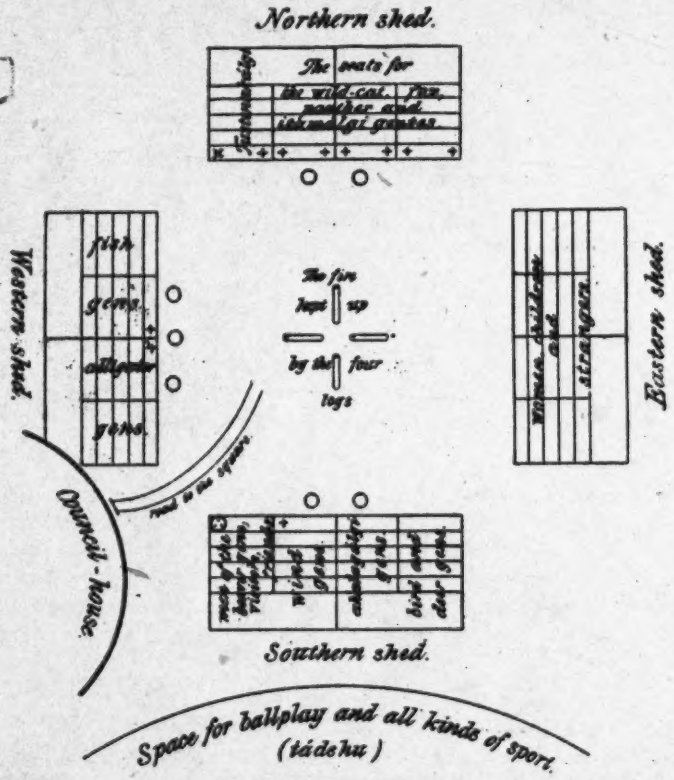

FIG. 66.—Plan of the Kasihta Square Ground (from Gatschet)

with Coweta, and it is probable that the Osochi had come into the same relation by first entering upon terms of friendship with the Chiaha. This substantiates a statement of one of my informants that "most of the foreign towns were taken in upon the White side" because it was the side which made a business of peacemaking. In late years the Alabama have joined the Red towns, but this, as we have seen,[25] was probably due to a difference with the Okchai with

[25] See p. 264.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
Muskogee

whom they had temporarily united. With Kasihta there came to be associated all of the Hitchiti-speaking towns—except Chiaha and Osochi—the Yuchi, and even the Chickasaw, while among the Upper Creeks, the Okchai, Tuskegee, Koasati, and—originally—the Alabama were White. To these the Pakan tallahassee should perhaps be added. The number of White towns was also augmented by the splitting up of Cocsa into Okfuskee and its branches, Otciapofa and

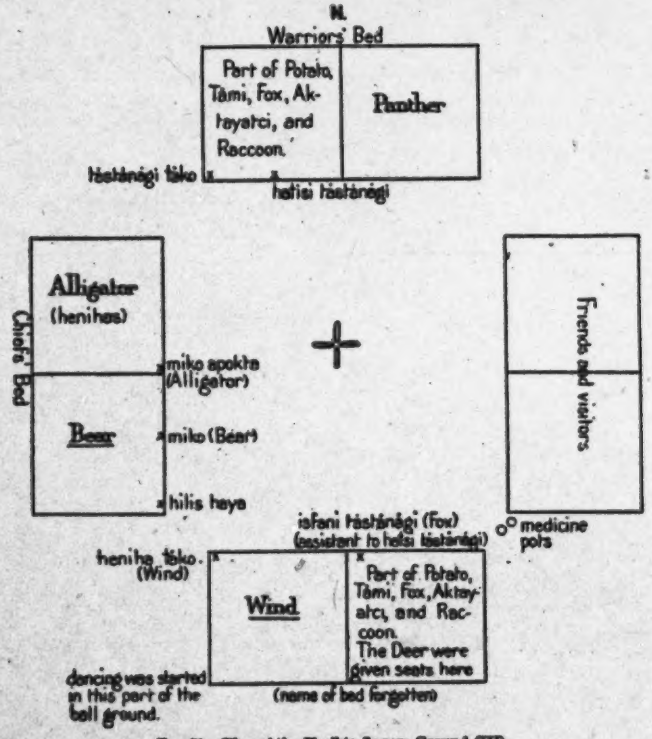

FIG. 70.—Plan of the Kasihta Square Ground (III)

the Tulsa towns, while it is probable that the Wakokai towns came from these or from the Abihka.

Along with the introduction of foreign elements we should look for greater clan complexity, and this, as has already been indicated, we seem to find. Of course, the appearance and disappearance of clans need have nothing to do with outside elements, but where we observe an association between certain clans and such elements the suggestion that the association is more than accidental naturally arises. In any event such associations are worth noting for their

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
Muskogee

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possible bearing on future investigations. Thus the Mole, Toad, Tcokote, and Snake clans are found associated most closely with the Hitchiti-speaking communities, and with the Seminole settlements, which are known to have contained a considerable Hitchiti element. The Kapitca and Pahosa, which are especially prominent among the Seminole, may have had a similar origin. The Salt and Daddy-longlegs clans are similarly associated with the Alabama, the Eagle, Woksi, and Lidjami with the Tukabahchee and related towns and

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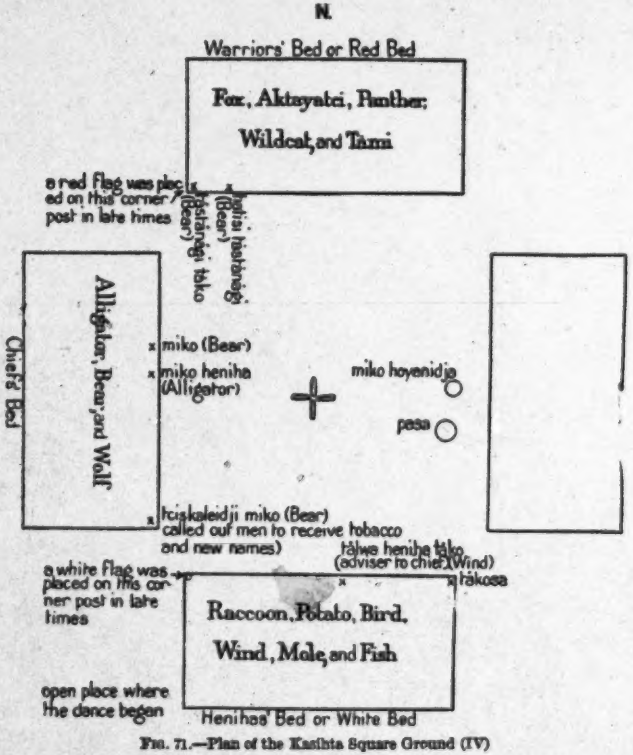
N.
Warriors' Bed or Red Bed
Fox, Aktayatci, Panther, Wildcat, and Tami
a red flag was placed on this corner post in late times
Alligator, Bear, and Wolf
Chief's Bed
miko (Bear)
miko heniha (Alligator)
miko hoyenidja
pesa
Tciskaleidji miko (Bear) called out men to receive tobacco and new names)
a white flag was placed on this corner post in late times
Raccoon, Potato, Bird, Wind, Mole, and Fish
open place where the dance began
Henihas' Bed or White Bed

FIG. 71.—Plan of the Kasihta Square Ground (IV)

the Raccoon with the Tukabahchee and Okchai, as also the Abihka. The Turkey and Wildcat are the most conspicuous clans among the Koasati at the present time, though the latter at least was widely distributed. Turning to the purer Muskogee divisions we find that the Aktayatci is most conspicuous among the Hilibi, the Eufaula, and in the Wiogufki groups of towns and that the Beaver clan attains special prominence in the Tulsa towns, although it is also a pronounced

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11
Hitchiti
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269 NN3

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factor among the Alabama and Koasati of Texas and Louisiana. The Skunk is conspicuous among towns of the Okfuskee connection, while the Alligator, Fish, and Potato people seem more in evidence among the Lower Creeks than elsewhere. Although very widely distributed, the Wind and Bear seem most prominent and influential in towns supposed to be pure Muskogee.

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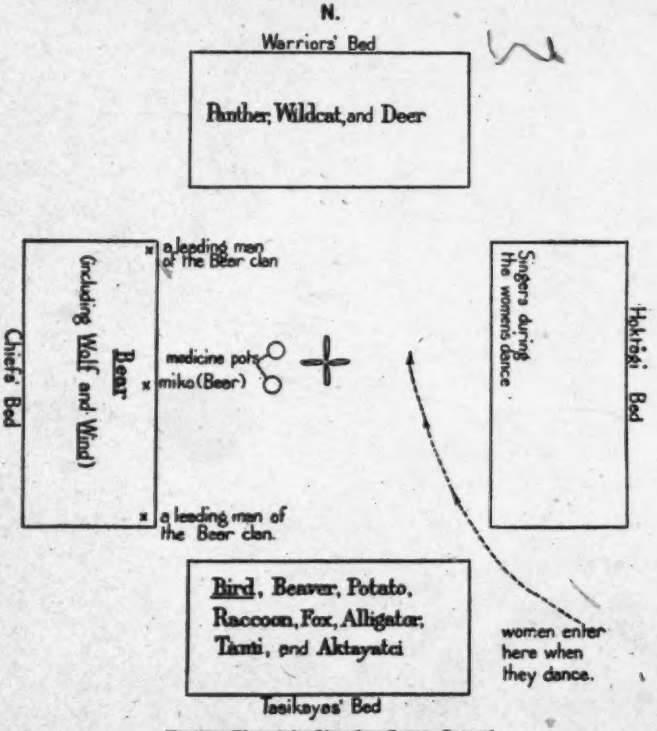
N.
Warriors' Bed
Panther, Wildcat, and Deer
Chief's Bed
Bear (including Wolf and Wind)
a leading man of the Bear clan
medicine pole
miko (Beer)
a leading man of the Bear clan
Singers during the women's dance
Hokŭlki Bed
Bird, Beaver, Potato, Raccoon, Fox, Alligator, Tanti, and Aktayatci
women enter here when they dance.
Tasikayes' Bed

FIG. 72.—Plan of the Okmulgee Square Ground

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It will also be of interest to compare the clan divisions found within the Creek confederacy with those among surrounding tribes belonging to the same totemic area. These include the Timucua of northern Florida, the Chickasaw, and the Cherokee, to which perhaps may be added the Natchez living among the Cherokee and the Yuchi. There were also exogamous divisions among some of the eastern Siouan tribes and we must allow for the possibility that there existed a connection between the totemic system of the Chickasaw and those of the Caddo and Chitimacha. Upon the whole, however, it would

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Muskogee

GOVERNMENT

619 621 642 The Creek governmental unit was a body of people living for the most part in a single locality and known as a tálwa. As has been already stated, this word is now used in a rather loose sense and is generally translated "town," but its connotation rather covers the English concept "tribe." Some bodies which the Creeks called tálwa were once independent, and anciently it is probable that the term applied only to distinct tribes, and that in later years it was used for those same tribes as constituent parts of the Creek confedera-

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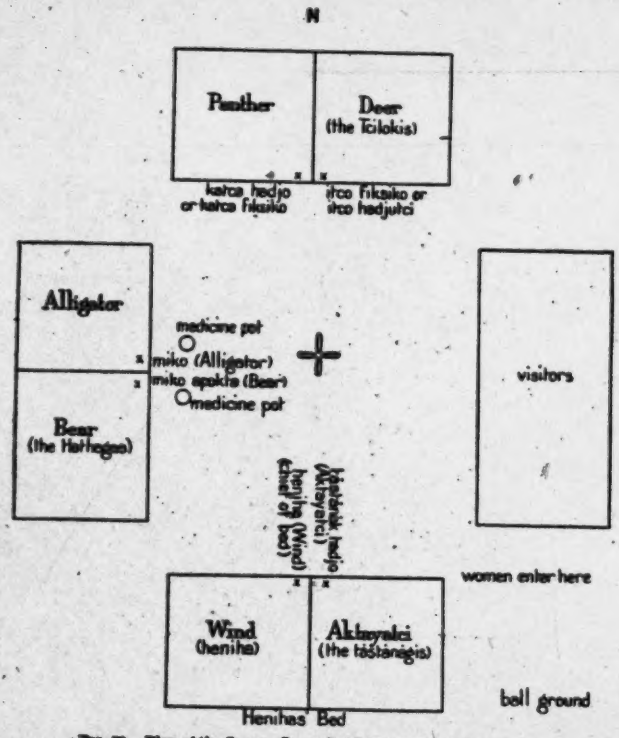

FIG. 78.—Plan of the Square Ground of Likatcka or Broken Arrow

tion, while still later it was given to new bodies which separated from these, particularly such as came to have square grounds of their own.

[622] After their admission to the federated body each tálwa remained virtually self-governing; its principal executive officer was known in the Muskogee language as the miko. Swan says that up to his time the Red towns had always been governed by warriors, the White towns alone being under mikos.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

554 302 It happens that the very town, Tuskegee, from which Speck derived this information, was the one where I learned about face paintings used to distinguish citizens of different towns.[47] Possibly, therefore, this data contains a reference to some custom not clearly remembered. As we shall see when we come to treat of war customs, the design said to be worn by a Tuskegee miko was almost identical with that assumed by members of a war party, while war honors, which of course carried rank with them, were perpetuated by means of tattooings.[48]

623 Regarding the town council Hawkins has the following to say: "The Micco, counsellors [i. e., isti âtcagâgi] and warriors meet every day, in the public square; sit and drink a-cee, a strong decoction of the cassine yupon, called by the traders, black drink; talk of news, the public and domestic concerns, smoke their pipes, and play Thla-chal-litch-cau, (roll the bullet.)[49] Here all complaints are introduced, attended to, and redressed. They have a regular ceremony for making, as well as delivering the â-cee, to all who attend the square."[50]

These meetings began early in the morning. Elsewhere we learn that the care of the âsi was the prerogative of the henihâlgi.[51] Zachariah Cook states that the âsi was merely taken into the mouth, not swallowed, but this represents the institution in its decline. At an earlier day it was swallowed, but ejected afterwards. The leading men sometimes counselled on the open square and sometimes in the big house, in the latter especially on matters requiring secrecy. From thence, at the time of the busk, instructions were sent out for the clans or clan groups to gather in councils and these were held at different places about the grounds. 614 The clan councils have been referred to in discussing the clan system. 623 At the great council of the town leaders and at the smaller councils lectures on conduct were delivered, the doings of the preceding year reviewed, and future prospects outlined. Each clan council was usually presided over by the oldest pawa, or "uncle," belonging to it, or at any rate the one most esteemed, and he lectured the members of his clan in the same way. If any of the younger members of this clan had deserved a reprimand he would deliver it, and he was often requested so to do.

619 631 •642 In a previous discussion of the evolution of the Creek confederacy the important part played by the towns of Kasihta and Coweta has been pointed out, and their social significance as leaders of two sets of towns whose relations were governed by certain laws, or, rather, precedents. The towns drawn into the confederation were also divided in another way, viz, geographically, into two groups which

[47] See p. 248.
[48] See p. 426.
[49] The game described on pp. 469-470.
[50] Hawkins in Ga. Hist. Soc. Colls., vol. III, p. 71.
[51] See p. 293.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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came to be known to the white people as Upper and Lower Creeks. While the confederation appears to have originated with the Lower Creek towns Kasihta and Coweta, the Upper Creeks were more numerous and naturally demanded recognition. One of the largest and most powerful Upper Creek towns was Tukabahchee, which early entered upon terms of friendship with Coweta and soon came to be considered as the head war town of the Upper Creeks. To complete the mythic number four and to include a White town from among the Upper Creeks, Abihka was added to these,[83] and the four were regarded as the "foundation towns" of the confederacy, Coweta and Kasihta being, respectively, the head war and peace towns of the Lower Creeks and Tukabahchee and Abihka the head war and peace towns of the Upper Creeks. There is said to have been a great deal of social rivalry between them. Each of these four towns also had a ceremonial title. Coweta was called Coweta mahmā'yâgi, "tall or high Coweta;" Kasihta, Kasihta łako, "Big Kasihta;" Tukabahchee, Tukabahchee spokogi; and Abihka, Abihka nâgi. The meaning of the Abihka title is unknown, but since Abihka was the frontier town against the Cherokee and Chickasaw, its people were also called "the door shutters." For, as Jackson Lewis explained, enemies encountered them first, and if they were conquered it was as if the enemy had opened the gates to enter the Creek country. Several different interpretations are given of the name Spokogi or Ispokogi. According to Jackson Lewis, it signified that Tukabahchee had an oversight of and care for the other towns much as a hen broods over her chickens. Another informant said that it meant "a great people," and a third "to hold everything strongly." It appears to have been given particularly to the beings who came to the Tukabahchee Indians from the world above (see p. 65). According to one story, the sacred copper and brass plates of the Tukabahchee were also sent down from above and given to the Shawnee who handed them over to the Ispokogi. This particular tradition perhaps furnishes a clue to the name, which may have been derived from that band of Shawnee known as Kispokoke. I shall show elsewhere that there is some reason to think the name Muskogee itself is of Shawnee origin, and there is as much reason to attribute this word to the same source. It may have been allowed to or conferred upon the Tukabahchee in ways common among Indians by the Kispokoke band of Shawnee and its origin afterwards forgotten.

619 631

In the rating of the four capital towns Abihka is always last, but the position of the other three appears to have changed from time to time. To-day Upper Creeks will generally tell you that Tukabahchee

[83] The Indian agent Mitchell gave the name of the fourth town as "Occonchee," but this can not be identified with any known Creek town. It may have been intended for Abihkutsi. (See Trans. Am. Antiq. Soc., vol. II, p. 85.)

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

619 stands first and Lower Creeks will assign the place of honor to Coweta.
631 Tukabahchee is certainly first in size and first in the regard in which it is held by those who keep to the old customs, but if one goes back into the earlier history of the Creeks as revealed in documents it becomes plain that Coweta was regarded as leader. Its chief was at one time honored by the Whites with the title of "emperor" and the name Coweta was extended over all of the Lower Creeks.[83]

622 A French writer gives the following picture of the Coweta chief at the period of the Yamasee war (1715), though it is unlikely that he had as much to do with the inception of that contest as is represented:

"The nation of the Caoüita is ruled by an emperor who in 1714 [1715] had all the English destroyed, not only all those who were in the nation but also those among the Abecá, Talapouches, Alibamons, and Cheraqùi. . . . They [the English] made the emperor very great presents to regain his friendship and that of his nation. The French also give him presents as do the Spaniards, which makes him very rich, for the French who go to visit him are served in silver vessels. He is a man of good appearance and good character. He has many slaves who are busied night and day preparing food for those coming and going on visits to him. He seldom goes afoot, always having horses well caparisoned, as do many of the people of his village. He is absolute in the nation (i. e., among the Lower Creeks). He has a quantity of cattle and kills some of them at times to regale his friends. No one has ever been able to make him take the side of any one of the European nations which are acquainted with him, for he asserts that he wishes to see everyone, to be neutral, and not to espouse any of the quarrels which the French, English, and Spaniards may have with one another." [84]

619 The headship of Coweta became a matter of importance in the
631 early part of the nineteenth century when negotiations were inaugu-
642 rated by the whites for the removal of the Indians constituting the Creek confederacy. The Lower Creeks being much more favorably disposed to the plan than those of the Upper towns, white officials
648 strove to make as much of the primacy of Coweta as possible. In
177 a letter written by Duncan G. Campbell to John C. Calhoun, Secretary of War, December 18, 1824, he says:

"This Coweta town is the most extensive and numerous in the nation, and claims to be the original town of the whole tribe, and that all others are its branches. In proof of this priority of standing I beg leave to refer you to our journal, which contains a communication from the council of the 11th of December, in which they say that 'the first red people that ever visited the whites were from the Coweta

[83] The title was given both by English and French. See Bossu, Nouv. Voy., vol. II, p. 67. The latter writer adds, however, that the town chiefs refused to give up their independence and change the ancient organization.

[84] French Memoir of 1765, Ms.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

619 631 642 648 177

town.' The like proof was contained in an observation of the Little Prince during the negotiation. In argument, an old treaty was referred to, which had been concluded between the Creeks and the state of Georgia. Its authenticity was denied, on the ground that 'no Coweta chief had signed it.' Coweta is on both sides of the Chattahoochie; contains McIntosh, the Little Prince, Tome Tuskumuggee; and extends from Broken Arrow to the Cherokee boundary. It is worthy of remark, that the treaty of 1821, concluded at the Indian Springs, is signed by but two chiefs on the Alabama side of the nation. The fact is, that McIntosh maintains the right of the Coweta town alone to dispose of the whole country. It would seem that the upper towns conceded this authority, and dreaded its exercise; for the utmost consternation was discoverable whenever it was known that the commission (the Commissioners) and the Coweta chiefs had had an interview.[55]

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A much longer brief for the supremacy of Coweta is given in the volume from which the above is quoted. This was compiled by Joseph Vallence Bevan for the State of Georgia,[56] and is in consequence an ex parte document like the one quoted. On the other hand, the speaker for the Tukabahchee chief, the famous Hoboi-hil yahola, who represented the sentiments of most of the Upper Creeks, delivered a "talk" to the United States commissioners at Indian Springs, Friday, February 11, 1825, opposing some of the claims of Coweta. He said in part:

"We met you at Broken Arrow, and then told you we had no land to sell; I then heard of no claims against the nation, nor have I since. We have met you here at a very short notice, and do not think that the chiefs who are here have any authority to treat. General McIntosh knows that we are bound by our laws, and that what is not done in the public square, in general council, is not binding on the nation. I am, therefore, under the necessity of repeating the same answer as given at Broken Arrow, that we have no land to sell. I know that there are but few from the upper towns here, and many are absent from the lower towns.

"General McIntosh knows that no part of the land can be sold without a full council, and without the consent of all the nation; and, if a part of the nation choose to leave the country, they can not sell the land they have, but it belongs to the nation. From what you told us yesterday, I am induced to believe that it may be best for us to remove, but we must have time to think of it; and, should the chiefs who are here sell the land now, it might create dissentions and ill blood among the Indians. I have received a message from my head chief, the Big Warrior, directing me to listen to what the com-

[55] Am. State Papers, Ind. Aff., vol. II, p. 573. [56] Ibid., p. 788.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

missioners have to say; to meet them friendly, and part in the same way, but not to sell the land."[57]

It is noteworthy that Hoboi-hil yahola does not deny the headship of Coweta; he merely denies that Coweta had the right to dispose of Creek territory, holding that such a right was vested solely in the full council of the confederacy.

But if we explore still farther into the past, by means of native traditions, we find priority claimed by Kasihta, and in fact I believe Kasihta to have been originally the leading town. This would receive abundant confirmation if, as I have supposed, Kasihta was the ancient Cofitachequi. There is some reason to think that the foundation of the confederacy had been laid in De Soto's time, the principal parties to the alliance being Cofitachequi (Kasihta), Coosa, and probably Coweta, though this last is not mentioned in the De Soto narratives under a recognizable name. The importance which we find later attached to Otciapofa was probably inherited in the first instance from Coosa and later strengthened by the dictatorship of McGillivray.

One of our sources affirms an ancient headship of Atasi among the Tallapoosa towns. It says:

"The nation of Talapouches live under a republican form of government. There were formerly princes over it whose authority was absolute. In many places are to be seen mounds of earth more than half a league in length which they conducted from one mountain to another. The grand chief lived in the village of the Atachés and bore the same name. After the death of the last of these princes there was no longer a particular chief in this village, but the war chief commands. They say that the [last grand] chief went to the sky to see his relatives, and that he has assured them that he will return."[58]

The only corroboration this receives, and that only by inference, is from the wooden figure of a man which Adair states the people of this town had set up in their square.

Leadership in the confederacy was evidently due for the most part to size, power, and prestige, and its workings were probably based on a body of precedent.[59]

Unfortunately no satisfactory study of the organization of the confederate Creek council has come down to us, and we must form an estimate of it by piecing together information from several sources. The most specific statement is furnished by Bossu, who says:

"These peoples (the Creeks) hold a general assembly annually in the principal village or the chief place of the nation; there is a great

[57] Am. State Papers, Ind. Aff., vol. II, p. 592.

[58] French Ms. of 1735.

[59] Gallatin, on the authority of Mr. Mitchell and Colonel Hambly, gives "Thlocotcho" as the name of "the general seat of government" of the Creeks. This is probably intended for Eufaula, the residence of the "Little Prince," at one time head chief of the nation. It was a branch of Coweta. (See Trans. Am. Antiq. Soc., vol. II, p. 112.)

1: Swanton E-5 (1911-12)1928 NNH Creek NNH

642 646

cabin made expressly for the purpose; each one places himself there in accordance with his rank, and has a right to speak in his turn according to his age, his capacity, his wisdom, and the service which he has rendered to the fatherland.

"The Grand Chief of the tribe opens the session in a speech which recounts the history or the tradition of their country; he recalls the military exploits of his ancestors who have signalized themselves in the defense of the fatherland, exhorting his subjects to imitate their virtues, by bearing patiently human wants and miseries, above everything in not murmuring at all against the Great Spirit, who is master of the life of all the beings here below; and in sustaining adversities with courage; finally in sacrificing all for love of the fatherland and liberty; it being a thousand times more glorious to die like a true man than to live as a vile slave.

"The chief having stopped speaking, the oldest noble old man rises, salutes his sovereign, and makes a speech, his body bare to the belt; the water runs from all parts of his body, on account of the heat and the action which he puts into his declamation, with natural gestures and metaphors which express his thought; he persuades his hearers to believe all that he says by the force and eloquence of his speech. Nothing is more instructive than these assemblies; one hears no chatter there, no indecency, no misplaced plaudits, nor immoderate laughter. The young people are very circumspect there, and attentive to listen with respect to the words of the old men, persuaded that it is for their good."[8]

Other evidence contradicts the statement that there was any one capital of the nation, and we know that the council house was nothing more than the tcokofa of the town in which the assembly happened to take place. Nevertheless Coweta and Tukabahchee, particularly the former, seem to have been favorite meeting places, facts indicated by Milfort in several places. The following description by him has particular reference to an assembly in Coweta:

642 347 646

"The assemblies of the nation usually take place in the principal town. In the center of this town is outlined a perfect and very extensive square; in each angle of this square are constructed three cabins of different sizes, forming in all twelve cabins. This square has four openings by which its center may be reached, and all of the cabins are so close together that from one of them one can see into all of the others. Each of them may hold from forty to sixty persons.

"That of the grand chief of the nation faces the rising sun, to indicate that he ought always to watch over the interests of the nation. At one side of this cabin, and in the same angle, is that called the grand cabin, where the general assemblies of the nation are held.

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[8] Bossu, Nouv. Voy., vol. II, pp. 70-72.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 342 646

"In the angle opposite are three other cabins; these belong to the old men, and face the setting sun, to indicate that they are on the decline, and that they must no longer march to battle. In the two other angles are the cabins of the different chiefs of the nation; they are larger or smaller according to the services they have rendered.

"All these cabins are painted red with the exception of the three facing the setting sun, which are always white, symbol of virtue and age.

"The cabins painted red are, in time of war, ornamented with many pieces of wood by way of decoration, which support a kind of chain made of wooden rings. This is a sign of sadness, informing the warriors that the motherland has need of them, and that they must be prepared to march at the first signal. In time of peace these links are replaced with garlands of ivy leaves.

"The three cabins of the old men are at all times ornamented with these garlands, mingled with flowers."

He adds that the square was very large, and then proceeds as follows:

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"I have already said that the chiefs of the nation must assemble every year in the month of May, and consider everything of importance to the nation, both internally and externally. When they are all at the rendezvous, called the grand cabin, of which I have just spoken, the assembly is called to order; and, when it is called to order (*formée*), none of those who compose it can go out from its compass until all of the business of the nation is concluded. The president alone may absent himself for some minutes; but he is obliged, like all of the others, to pass his days and nights in the assembly, and to be present at all of the deliberations.

"During the period of the assembly no one is allowed to approach the grand cabin nearer than twenty paces. Only the chiefs of the warriors are admitted there; the subordinate chiefs who are present are intended to serve the others, but they have no voice in the deliberations. The women are charged with the duty of preparing the necessary food and drink for the assembly; the subordinate chiefs go to fetch the provisions and place them in their turn in the grand cabin for the members of the assembly.

"In the center of the square formed by the cabin, a fire is lighted which burns continually. At sunset the young people of both sexes assemble, and come to dance around this fire until an appointed hour; during this time the assembly separates, and each member repairs, if he desires, to the cabin appropriate to the rank which he has received; or he remains in the grand cabin, and there enjoys the dance and the amusements of the young people; but without being allowed to go outside of the compass of the square, so long as the business is not entirely concluded. When the dances, which must

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 646

last for a limited time only, are terminated, if the business of the assembly is not too urgent, each of the members rests in the cabin which belongs to his class; but as soon as the sun appears above the horizon, a drum calls all of the chiefs to the assembly, which remains in session until sunset.[81]

In another place he makes certain amplifications regarding the time when such conventions took place. He says:

"These assemblies, which I have attended for twenty years, are held usually at the end of April or the beginning of May, as I have already said. To them are carried complaints and demands of all kinds, where the interests of the entire nation and its allies are discussed and regulated. They are held sometimes in the month of September, before they separate to go hunting, but then they are not general, few interesting things happen, and strangers are rarely present." [82]

Milfort is almost the only writer who gives a hint regarding the manner in which the chiefs and officials of the various towns were seated. It is probable that their individual merit often outweighed the numerical importance of the town.

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Speaking in these assemblies was a high art and was, next to success in war, the major means of social advancement. Religious sentiment was attached to it, and before a public speech the Creek speaker used to spit four times with deliberation and repeat a formula. The oratorical language was full of metaphorical allusions, and irony and satire were resorted to rather than denunciation. Says Adair:

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"I have heard several eloquent Indian leaders, just as they were ready to set off for war, to use as bold metaphors and allegories in their speeches—and images almost as full and animating, as the eloquent penman of the old divine book of Job, even where he is painting, with his strong colours, the gladness and contempt of the beautiful war-horse, at the near approach of the enemy. I heard one of their captains, at the end of his oration for war, tell the warriors that stood outermost, he feelingly knew their guns were burning in their hands; their tomohawks thirsty to drink the blood of their enemy; and their trusty arrows impatient to be on the wing; and, lest delay should burn their hearts any longer, he gave them the cool refreshing word, 'Join the holy ark, and away to cut off the devoted enemy.' They immediately sounded the shrill whoó-whoòp, and struck up the solemn, awful song, *Yó*, etc." [83]

And in another place:

"Formerly, at a public meeting of the head-men, and chief orators of the Choktah nation, I heard one of their eloquent speakers deliver

[81] Milfort, Mém., pp. 329-332.
[82] Ibid., pp. 334-335.
[83] Adair, Hist. Am. Inds., p. 64.

1: Swanton E-5 (1911-12)1928 NNIl Creek NNIl

537 a very pathetic, elaborate, allegorical, tragic oration, in the high praise, and for the great loss, of their great, judicious war-chieftain, *Shu-las-hum-mâsh-tâ-be*, our daring, brave friend, *red shoes*. The orator compared him to the sun, that enlightens and enlivens the whole system of created beings: and having carried the metaphor to a considerable length, he expiated on the variety of evils, that necessarily result from the disappearance and absence of the sun; and, with a great deal of judgment, and propriety of expression, he concluded his oration with the same trope, with which he began."[64]

•642 Stiggins tells us that the confederate council was in reality without power. He says:

"The form of Government under which they live is a tyrannical oligarchy in its principles and practiced under that head to the full extent. At a slight view the most of people suppose and say that it is a democracy on republican principles but it is far different, for all public business whether of a national or private character is done by the chiefs. Though the nation is summoned in what is termed their grand council, when the state of the nation is supposed to be examined into, and their oral laws made, the assembly say not a word in the matter. For while in their sittings the assembled body of the nation sit as mutes, without being consulted in any manner until a few chiefs in their council house make the laws for their government without condescending to ask an opinion or approbation in any case, the national body being merely convened to hear what is done, for after a law is digested by the chiefs the national convention is informed of its tendency by the orator of the nation in a very exact and precise manner, who moreover informs them of all that has been transacted, which new law when they are made acquainted with its tendency, let it be as it may, they are the most obedient subjects under the sun to the penalties of it, be it oppressive or not. Should they infringe the law they will suffer beating, confiscation of their property or even death without a murmur or family resentment. Moreover, should an Indian be obstreperous in contending for his right of property or otherwise or obtrude on the right or even interests of a chief, the chiefs can so far tyrannize after a consultation as to have him beaten or slain, as a common disturber of the peace, without any other imputation of guilt than a law breaker as they term it.

642 648 177 "In former days in the time of their self importance and undisturbed government, before an agent was located in the nation by the U. S. to improve their morals and reform their customs, their ordained chiefs were more rude, active, and despotic and more frequent in their mandates of tyranny, and not near so uniform and circumspect in their deportment as now toward the common men. In later years the principal chiefs or great men of the nation have been

[64] Adair, Hist. Am. Inds., p. 11.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 648 177

increased to about fifteen in number. Their nomination has been approved as such by the agent of the Government and recognized as such by all the tribes. They are invested with power and authority to superintend the affairs of their national Government with the incumbent duties annexed, such as receiving the national salary from the agent of the U. S. and paying their public debts, which they seemingly do with a national concurrence. For they never undertake or do any important business without a national convention when the chiefs deliberate and through their orator inform the assembled body of the nation, of what they have determined and dismiss them."[65]

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In speaking of the lesser members of the class called mikági Stiggins says farther on: "They attend the appointed national calls only as mutes, for in the national assembly none have a voice but such as are appointed to national purposes."[66]

Duncan G. Campbell, in his letter to John C. Calhoun, Secretary of War, written December 18, 1824, and cited above, says:

"Upon the subject of the government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of chiefs, of various grades of authority. The Big Warrior is head chief of the upper towns, and McIntosh of the lower; he is also speaker of the nation. The Little Prince is highest in authority, being head chief of the nation; and has been uniformly the friend and adherent of McIntosh."[67]

It is not entirely plain whether the "council" here mentioned was the council of chiefs or the general assembly. The "great number of chiefs" would seem to suggest something more impressive than the body of 15 described by Stiggins, but we shall see presently that certain economic causes operated to increase the membership of the higher assembly very rapidly, at least after the removal of the tribe beyond the Mississippi.

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Valuable additional information regarding the entire government of the nation in the early part of the nineteenth century, after it had emigrated to the west, is given us by Hitchcock, who says:

"The whole Creek Nation is composed of two parties, which were designated in the old Nation east of the Mississippi River, as the Upper and Lower Towns, sometimes called Upper Creeks and Lower Creeks. They are still to a considerable extent distinct. The Upper Creeks are principally on the Canadian and the Lower Creeks are on the Arkansas.

"These parties have separate Head Chiefs. At present the Principal Chief of the Lower Creeks is Roly McIntosh, as Tommarthle

[65] Stiggins, Ms. Hist. Narr., pp. 13-15.
[66] Ibid., p. 15.
[67] Am. State Papers, Ind. Aff., vol. II, p. 575.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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Micco is of the Upper Creeks. In general council the two principal chiefs preside seated by the side of each other; but Roly McIntosh takes the right and is considered the Senior or Head Chief of the Nation. For local purposes, among the Upper Creeks there are four Creeks called Counselling Chiefs, one of whom is called the King, and he transacts the current business of the party subject to the control of the Principal Chief whenever the latter thinks proper to interfere, as on important occasions.

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"After these are the Chiefs of the different towns. . . There may be forty-five towns, each of which has a Principal Chief or King and a sub-chief. In each town there are persons called *lawyers*, from four up to 40 or even 45, according to the population, whose duty it is to execute the laws. They are subject to the views of the Head Chiefs of the Nation who send them on important missions when necessary.

"The Lower Creeks have two persons in authority called Light Horse, who are [of the nature] of Sheriffs [and are employed] for the collection of debts with other similar duties and are paid each a salary of $150 a year.

"All of the Chiefs of every grade are permanently in power unless they resign or from misconduct are deposed. The mode of filling a vacancy is assimilated to an election by the people, but upon recommendations made by those already in power, to which the popular voice presents scarcely an obstacle.

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"The general council for business is composed of the two principal chiefs and the Kings, including those of the Towns. These constitute the aristocratic portion of the government. There is another branch composed of one or two persons elected by each town from among the lawyers with one judge from the Upper and one from the Lower Creeks, which constitute what is called a Committee. This has the appearance of a popular branch. Sometimes the number of the Committee is increased on important occasions. These are appointed by the Kings of the different towns but [selected] from the people.

"A law generally originates in the Committee. If approved there it is sent to the principal chiefs for their approval. If approved by the principal chiefs it is a law. But practically the Chiefs make the laws and unmake them." [a]

By "lawyers" we are evidently to understand leading men conversant with the customs and usages of their people; probably not a fixed class in the community. The "aristocratic portion of the government,"—the Creek Senate if we might so term it—had thus exceeded the body of 15 of Stiggins's time, and in this Hitchcock is confirmed by Gregg, whose information was obtained about two years earlier and who says: "Their executive consists of two principal

[a] Gen. E. A. Hitchcock, Ms. notes.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 646 642 622 177

chiefs, and their legislature or council of about forty minor chiefs or captains, who are also, *ex officio*, justices of the peace." [69]

The economic causes operating to increase the number of chiefs, to which reference was made above, are indicated in a communication to the Commissioner of Indian Affairs under date of September 15, 1851, by Philip H. Raiford, agent of the Creek Indians. He says:

"The rude and irresponsible form of government by chiefs still prevails among them. The chiefs all receive salaries in proportion to their grade and rank, or, in other words, a larger share of the common fund of the tribe than the great mass of the Indians. The result of this system has been a great increase in the number of chiefs, until they now amount to about eight hundred, or one to every twenty-five souls; and, as the moneys due from the Government to the tribe are now paid to the chiefs, and they have it in their power to fix their own salaries, a large portion of the funds of the nation is divided out among themselves, and but little left for the great mass. Great wrong and injustice are thus done to the common Indians; and, as they are beginning to perceive and become dissatisfied with the system, and the evil continues to increase by the increase of chiefs, the result before long will inevitably be serious—internal dissentions and difficulties, if not strife and bloodshed, between the chiefs and their partisans on the one hand, and the common Indians on the other, unless the Government interposes some remedy for this unfortunate state of affairs." [70]

The word "chief" as employed by Mr. Raiford evidently does not refer merely to the class of mikàgi. Apparently it included the principal mikos, the isti àtcagàgi, and the leading henihas and tàstànàgis. We are not to suppose that the great increase in the number of chiefs of which this agent speaks was due to a desire on the part of the chiefs to share their privileges; it was rather for the purpose of securing those privileges by taking into partnership all who might have been powerful enough to endanger them. Another Indian agent, James Logan, writing some years before, in 1845, speaks of the abuse as follows:

"The annuity, amounting to [$]34,500, is paid to the principal chiefs of both [Upper and Lower Creeks], and equally divided between them, and by them distributed. . .[71] The chiefs appropriate the whole of this large amount to the pay of themselves and their subordinates. This mode of distributing it is much complained of by the intelligent portion of the community, who are now far from being inconsiderable, and the right thus arrogated by the chiefs of doing what they please with the annuity much questioned. But they are vested with so much power, and have inspired so much awe and fear

[69] Gregg, Commerce of the Prairies, in Early Western Travels, vol. 20, p. 318.
[70] Report of the Commissioner of Indian Affairs for 1851, p. 122.
[71] The writer refers here to an unpublished document for confirmation.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 622 177

in the minds of the people generally, that they are restrained from making a public expression upon the subject. Indeed, I question very much whether there could be found many who would, before them, say that they objected to their acts in any particular. This I have sought for in regard to the annuity, and have failed to accomplish, owing to the preponderance of the chiefs and law makers, etc., and to the cause above stated."[72]

The abuse became so great that payments were finally made directly to the heads of families and the old privileges of the chiefs abolished. They suffered the same fate that betook the ringleaders in a certain conspiracy formed not long ago by some of the members and employees of a large corporation. In order to keep what was going on quiet, it was necessary to let more and more into the ring, which finally became so large that the secret leaked. The oligarchic character of the Creek federal government as revealed by Stiggins and these Indian agents clashes rather oddly with what Adair says of its democratic character, but evidently the government of the confederacy was farther removed from the masses of the people than the government of the towns, and with the disappearance of war positions came to be held less on account of merit and more because of family connection and personal "pull." In the erection of a federal government over and above the former tribal governments the mass of the people had not succeeded in holding firmly to the reins of power; still such great abuses would probably not have arisen had it not been for the decline of the merit element in promotions and the cupidity excited by United States Government annuities.

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The most complete account of the general council as it existed after the removal to Oklahoma was furnished Schoolcraft by Mr. D. W. Eakins, whom Schoolcraft describes as "for some time a resident of the Territory now occupied by them west of the State of Arkansas." These facts were "communicated in reply to printed inquiries issued in 1847, respecting the History, Present Condition, and Future Prospects of the Indian Tribes of the United States."

The answers covering this subject may very well be run together.

"The general council of the Creek Indians consists of a representation from the whole tribe, as divided into towns. This council, composed of the chiefs, is vested with *plenary* power, to act for the whole tribe. Their *verbal summons* or decisions, have all the force of a written document; these decisions are announced in general council; and also recorded by the clerk. Their authority, (as among the principal chiefs,) is often assumed. Their authority is delegated to them, (in many cases,) by virtue of their standing and influence. They are at all times open to popular opinion, and are the mere

[72] Report of the Commissioner of Indian Affairs for 1845, pp. 514-517.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

person preach or hold religious meetings, whether white or red, he shall for the first offence receive fifty lashes on his bare back, and for the second offence one hundred lashes.' To maintain their authority, they support, out of the annuity, an immense number of subordinates, known as law-makers, light horse, etc. The people stand in much awe of them, and blindly pay them the obedience they exact; they have no voice in their appointment nor in their acts: when a vacancy occurs, the place is filled not by an election, but by the nomination made by some noted chief." [74]

Logan is decidedly too severe in his criticisms of the conservative party who were in the nature of things bound to be opposed to the spirit of innovation of which he was a part. While the nature and amount of the fines exacted from those who absented themselves from the busk were no doubt determined at the council of which he speaks, the principle was by no means new.

The practical effect of the Confederate government on the bulk of the people was probably about as indicated in the following lines intended to apply to southern confederacies generally:

"Every town is independent of another. Their own friendly compact continues the union. An obstinate war leader will sometimes commit acts of hostility, or make peace for his own town, contrary to the good liking of the rest of the nation. But a few individuals are very cautious of commencing war on small occasions, without the general consent of the head men: for should it prove unsuccessful, the greater part would be apt to punish them as enemies, because they abused their power, which they had only to do good to the society.[75]

Councils in which all of the towns, or as many of them as chose to do so, took part were certainly held at a period as early as an organization existed that could be called a Creek confederacy, but they seem to have been at irregular intervals and at no determined place. And as we have seen, the Lower Creeks and the Upper Creeks each had an independent council. It is likely that, if we could examine some of these old councils we should find a certain regular method of seating the different chiefs, and a certain procedure, but only the above scraps of information regarding them have come down to us. In Adair's time we learn that the French at Fort Toulouse in the forks of the Alabama River endeavored to foment civil war among the Muskogee especially through the hold they had on the small tribes other than Muskogee about their fort, but the Creek chiefs in council compelled them to desist.[76] In the Georgia colonial documents we read of a number of councils. One of these was represented by nine towns, of which two belonged to the Lower Creeks and seven to the Upper Creeks. Another was attended by 21 towns, of which 6 were Lower towns and the balance Upper. At a council of Lower

[74] James Logan in Report of the Commissioner of Indian Affairs for 1845, pp. 515-516.
[75] Adair, Hist. Am. Inds., p. 428.
[76] Ibid., pp. 238-239.

Swanton E-5 (1911-12)1928 NN11 Creek NN11

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Creeks 4 towns were represented. A conference at Savannah was attended by 16 Upper Creek towns. At Oglethorpe's first council with the Creeks 9 Lower Creek towns were represented and no Upper Creek towns. Another council was attended by 12 Upper Creek towns, and still another by 8 from the same section. There are two other notices of meetings held by the Upper Creeks alone and one held by the Lower Creeks. This brings out clearly the separation existing between the Upper and the Lower Creeks. We also find a note to the effect that the towns of Coweta, Hitchiti, Osochi, "Nipky," Chiaha, Kasihta, and Tuskegee had declared Coweta miko their chief, a statement which certainly shows the primacy of Coweta among the Lower Creeks. The Tuskegee, or part of them, were probably with the Lower Creeks at that time.[77] Two of these councils of which we have a record were held in Tulsa, one in Okchai, one in Apalachicola, and one in Chiaha. Whether accidentally or otherwise it thus happens that all but the last were in White towns.

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A Spanish document dating from 1793 or 1794 contains a list of chiefs, with the town to which each belonged, whom it was thought advisable to invite to a general conference at Pensacola. This list, which is as follows, gives an idea of the towns thought worthy of representation on such an occasion and in some degree the relative importance in which those invited were held:

Kellessechuppo, or Beard	of the Broken Arrow.
Cowabbe, or Little Prince	
Hycat, or Cussitaw King	of the Cussitaws.
Bird Tail King	
Hollowing King	of the Cowitaws.
Young Lieutenant	
Philatouchy	of the point [i. e., Chiaha, Osochi, and Okmulgee].
Cochmans Brother	
George Cousins	of the Eauphallies.
John Kennard and his Uncle	of the Hitchetes.
Mad Dog	of the Tuckabatchee.
Beaux Banter	
Half Breed	of the Ockfuskies.
McKay's Friend	of the Abacouchies.
Tallessey King	[of Tulsa?]
White King	of the Hicklawallies [Holiwahali].
Dog Warrior	of the Upper Towns.
Wockucoy King	[of Wakokai?].
Wiokee King	[of Wiwohka?].
Mawmouth	of the Keyalegies.
One head man	from James Leslie's Town [Natchez?].
Bryen Molton or One head man	from the Tuskeegy.
McPherson	Little Tallesseys.
Upoimico	
Red Shoes	[of the Alabama and Koasati?].
One head man	from the Fussachees.
One ditto	from the Coolamy.
One ditto	from the White Ground.
One ditto	from the Ottosay.[78]

[77] See Bull. 73, Bur. Amer. Eths., pp. 210-211.

[78] Copy of Ms. in the Ayer Library, Newberry Library, Chicago.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

Writing in 1791, Swan says:

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"The most influential chiefs of the country, either in peace or war, are the Hollowing King, of the Cowetas; the White Lieutenant, of the Oakfuskies; the Mad Dog King, of the Tuckabatchees; the old Tallassie King Opilth-Mico, of the Half-way House at Big Tallassie; the Dog Warrior, of the Natchez; and Old Red-shoe, King of the Alabamas and Coosades. A treaty made with the before-named chiefs would, probably, be communicated to all the people of the country, and be believed and relied upon." [1]

It is worthy of note that the Coweta chief is the only Lower Creek chief mentioned, the inference being that through the personal force of this man or the preponderating influence of his town all of the other Lower Creek towns could be controlled. Of the five Upper Creek chiefs only one, the chief of Tukabahchee, represents a Red town, or a town that belonged to the Red side at that time; two, the Okfuskee and Big Tulsa chiefs, represent the old Coosa element, and two, the Natchez and Alabama chiefs, the non-Muskogee element. It is probable, however, that the Dog Warrior of the Natchez represented equally his own people and the Abihka. All the Upper Creek towns having any pretensions to leadership are thus represented except Otciapofa and the omission of this is at once explained when we remember that it was the town of Alexander McGillivray, at that time unofficial dictator of the entire nation. Swan assumes his cooperation without specific mention.

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The Creek organization in the eighteenth century would appear from this information to have been about in the same condition as it was in the early part of the nineteenth—a loose confederation led by from two to four towns and holding irregular councils, the different sections of the nation often counselling apart, comparative absence of internal warfare and continuous but rarely unified warfare against neighbors. Regarding the latter point it is interesting to note that in the Creek-American war of 1813 not only did the Lower Creeks actively assist the whites, but a large number of Upper Creek towns refused to have anything to do with the hostiles. Among these were Abihka, Natchez, Tukabahchee and some of her allies, Kealedji, and, in the beginning at least, Łátogálga and Upper Eufaula. Hilibi remained neutral as well but was attacked without warrant by an army of whites and severely handled.

It is to be observed, however, that a considerable change took place both internally and externally after white contact tending to increase the power and importance of the confederacy much beyond its primitive condition. Thus, in De Soto's time the Kasihta and Coosa, the representatives of the Lower and Upper Creeks, were noteworthy and powerful tribes but only to a certain extent superior to many

[1] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 262.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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others, such as the Utina, Potano, and Apalachee of Florida, and the Chiaha, Tali, Mobile, and many more farther north. It is even uncertain whether at that date any sort of confederacy existed. As time went on, however, the Florida tribes were destroyed or scattered, and the same fate overtook the Yamasee, the Indians of the Georgia coast, and the smaller tribes in the neighborhood of South Carolina. This served to increase the power of the Creeks proper, both by weakening that of their neighbors and by causing many fugitive tribes to unite with them and add to their fighting force. Leaving out of consideration the Hitchiti, Alabama, Koasati, and Tuskegee, who were incorporated almost before the dawn of clear history, we have very exact information of the incorporation of the Yuchi, which had formerly been an independent and hostile tribe, of part of the Shawnee, and of the remnant of the Natchez. This system of adoption resulted in the strengthening of the confederacy about in proportion to the weakening of its neighbors, until finally but one tribe remained, the Choctaw, able to contend with it on anything like equal terms. This latter, it is to be noted, owed its strength not so much to incorporation of fugitive elements as to a location where it was for a long time protected against European encroachment, intensive cultivation of the soil, and an unwarlike disposition—all contributing to a steadily mounting population. The Choctaw government was very feebly centralized for the same reason until very late times when it was much strengthened as a result of constant attacks on the part of Chickasaw and Creek enemies. The Creeks, on the other hand, had adopted their federal union very early, probably in part as the result of pressure from without, and as this pressure was increased by the approach of white settlements the sense of danger tended to accelerate the centralization. It thus happened that in the last quarter of the eighteenth century conditions were ripe for the evolution of a still more closely knit state, and merely awaited the advent of the man who could bring it about. And such a man appeared.

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A critical life of Alexander McGillivray would be a distinct contribution to southern history, but it is not germane to our purpose. Doubtless much that has been written regarding him is inaccurate and I do not vouch for all the facts given in the following account by Swan, but of the revolution he accomplished in Creek government there can be no doubt. Swan says that his title was Steutsa'cco-Cho'ota' which is evidently a very bad attempt at isti atcagagi lako, "great honored or beloved man."[80] He goes on:

"The present great beloved man, who left Georgia in disgust about the year 1776, and attached himself to the upper Creeks,

[80] His Indian name, however, is given by Pope as "Hippo lik Mecco, or the good Child King." In correct Creek this would be Hoboi-hili miko, but there is reason to think that McGillivray did not belong to a clan which would entitle him to be called miko.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

Operations; and when the War concludes, they, in Compensation for their martial Achievements, are invested by the Dictator with civil Authority which supersedes the hereditary Powers of their Demi-Kings." [86]

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It is hardly likely that the Indians would have suffered a violent injection of outside officials into their local governments, and it is therefore probable that the men elevated to positions of control in this manner were the "big warriors" (tástánagi łáko) in their respective towns. During a period of almost perpetual war the influence of the war leaders was certain to be enhanced in any event; McGillivray simply took advantage of this and continued their war powers into times of peace.

After McGillivray's death, February 17, 1793, no man appeared of sufficient force and tact to take his place and the government seems to have slipped back, at least in part, into the ancient channels.

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Some hints have already been given regarding this government, particularly its council of chiefs and national assembly, as well as the leadership of certain towns. The primacy of Coweta,[87] both over the Lower Creek towns and over the whole nation, appears to have been reasserted, Tukabahchee assuming the headship of the Upper Creeks and the secondary position in the confederacy.

A few years after the death of McGillivray, Benjamin Hawkins, United States agent in charge of the southern Indians, attempted to introduce certain innovations into the Creek government, and indeed he asserts that before the adoption of his plan they had been without a national government of any sort. In the light of other facts such a sweeping statement can not be accepted. His innovations merely tended to make systematic and stable an authority which had before been relatively loose and casual. He thus recounts the results of his efforts:

"At a meeting of the national council, convened by order of the agent for Indian affairs [i. e., Hawkins himself], at Tookaubatche, the 27th November, 1799, the chiefs, after a long and solemn deliberation, on the affairs of the nation, which were laid before them by the agent for Indian affairs, came to a resolution to adopt the plan of the agent, "to class all the towns, and to appoint a warrior over each class, denominated the warrior of the nation."

"The towns thus classed, with the warriors for the nation, are:

"1st. Hook-choie, We-wo-cau, Puc-cun-tal-lau-has-see, O-pil-thuluc-co and Thlot-lo-gul-gau. For these five towns they appointed Sim-mo-me-jee ["Doing-it-for-them"] of Wewocau.

[86] Pope, Tour, p. 65.

[87] In the American State Papers (Indian Affairs, vol. II, p. 781) is a long historical account of the relations between the whites and the Creek Indians, compiled by Joseph Vallence Bevan for the State of Georgia. His object is to show that the sanction of Coweta to a treaty ceding land rendered the treaty valid, and this prejudiced viewpoint must be allowed for, although, as we have seen, the primacy of Coweta among Creek towns at one period was certainly a fact.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 631 177

"2d. Ki-a-li-jee and Eu-fau-lau. For these two towns, they appointed E-maut-lau Hut-ke.

"3d. Hill-au-bee, Woc-co-coie and Pochusehatche. For these three towns they appointed Cussetuh Tus-tun-nug-gee, of Hill-au-bee, and Thle-chum-me Tustunnigge ["Łidjâmi Tâstânâgi], of Woc-cocoie.

"4th. Au-bee-coo-che, Nau-che, Coosau and Eu-fau-lau-hat-che. For these four towns, they appointed Olohtau Haujo [Holahta hâdjo].

"5th. Ho-ith-le-wau-le, Ecunhutke, Sauvanogee, Mook-lau-sau and Took-au-bat-che. For these five towns, they appointed O-poie E-maut-lau [Hobayi Imała], of Ho-ith-le-waule. . . .

"6th. Oc-fus-kee and its villages, Sooc-he-ah, New-yau-cau, Immook-fau, Took-au-bat-che Tal-lau-has-see, Took-to-cau-gee, Au-che-nau-ulgau, Oc-fus-coo-che, and E-pe-sau-gee. For this town and its villages, they appointed Hopoie Tus-tun-nug-gee, of Oc-fus-kee, and Tal-lo-wau-thlucco Tus-tun-nug-gee.

"7th. O-che-au-po-fau and Tus-kee-gee. For these two towns, they appointed Ho-po-ithle Ho-poie.

"8th. Tal-e-see, Aut-tos-see, Foose-hat-che and Coo-loo-me. For these four towns, they appointed Foose-hat-che Tus-tun-nug-gee, of Tal-e-see, and Eu-fau-lau Tus-tun-nug-gee, of Foose-hat-che.

"9th. Hook-choie-oo-che, Coo-sau-dee, E-cun-cha-te, Too-wos-sau, Pau-woc-te, and At-tau-gee. For these towns and villages, they appointed Ho-ith-le-poie Hau-jo and Tus-tun-nuc, of Hook-choie-oo-che." [88]

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To what extent this plan of government was put in force seems uncertain, but the primacy of Coweta and Tukabahchee continued, as is shown by numerous statements in the documents of the first half of the nineteenth century. We learn that in 1814 the "Little Prince" was head chief of the entire nation—though one writer refers to him as "the chief speaker." He belonged to Łikatcka, which, as we have seen, was a branch of Coweta. At the same time we are told that Tâstânâgi łâko, the "Big Warrior," a Tukabahchee, was "speaker for the Upper Creeks," Tâstânâgi hopai speaker for the Lower Creeks, and William McIntosh head chief of Coweta.[89] From what Hodgson says it is evident that in 1820 the Little Prince and the Big Warrior occupied the same positions, although they are both called "Chief Speakers of the Nation" as if their authority were coordinate. Hodgson adds, "The most popular and influential person, however, in the Nation, is Mackintosh, the Head Warrior, a half-breed, under forty years of age; who is consulted on every occasion, and who, in a great measure, directs the affairs of his country." [90]

[88] Hawkins in Ga. Hist. Soc. Colls., vol. III, pp. 51–52.

[89] Am. State Papers, Ind. Aff., vol. II, pp. 571, 575.

[90] Hodgson, Jour., p. 267. In one place (Am. State Papers, Ind. Aff., vol. II, p. 571) McIntosh is called "Speaker of the Nation."

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 643

In a later document four chiefs are mentioned as having made a reply to the United States Commissioners at Łikatcka, on December 11, 1824, "Little Prince, O. Porthle Yoholo (Speaker of the Upper Creeks), William McIntosh (Speaker of the Nation), and Hopoy Hadgo." [91] In a letter written seven days after this, by Duncan G. Campbell to John C. Calhoun, then Secretary of War, Little Prince is referred to as the head of the nation, while the Big Warrior is called head chief of the Upper towns and McIntosh head chief of the Lower towns and also Speaker of the Nation.[92] The somewhat perplexing statements are reconciled when we understand that Little Prince was head chief of the entire nation by virtue of the fact that he was head of the Coweta group of towns, although actually he was premier chief only of the branch town of Łikatcka. McIntosh was chief of Coweta itself and also held the position of speaker for Little Prince, having apparently succeeded a man named Tàstánągi hobayi, and because Little Prince was head chief of the Lower Creeks and premier chief of the nation McIntosh is also called "Speaker of the Nation." A formal error is probably made by Campbell in referring to him as "head chief of the Lower towns," while the nomenclature employed by Hodgson is inexact owing to the temporary nature of his visit among the Creeks. That Hodgson does not mean by "chief speakers" those who made announcements is shown by his explanation immediately following: "The Chief Speakers are by no means necessarily the principal *orators*, but may employ a fluent Chief to convey their sentiments. Their office is to carry into effect the decisions of the Great Council of the Nation; a deliberative body, composed of chiefs from the different towns." [93] It seems plain, in short, that during this period the Little Prince of Łikatcka was head chief of the Lower Creeks and of the nation, while the Big Warrior was head chief of the Upper Creeks. McIntosh appears to have been chief of Coweta in 1814 and to have risen to the position of speaker of the nation by 1824—that is, speaker for the Little Prince. Hoboi-hili yahola had risen to the position of speaker of the Upper Creeks by 1824. It seems evident that by this time all of the Upper towns recognized a head chief and all of the Lower towns another and that the latter enjoyed a primacy over the former, and that each of these had an assistant called a "speaker" who was a man of influence. After the removal there was a principal and second chief over all the towns and a principal and second chief for each of the two divisions. [94]

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According to one of my informants the head chief of the Upper Creeks was elected by 30 men chosen from the towns of Tukabahchee, Kealedji, Atasi, and Hàtci tcàbâ—i. e., from the Upper Creek towns

[91] Am. State Papers, Ind. Aff., vol. II, p. 671.
[92] Ibid., p. 673.
[93] Hodgson, Jour., p. 267.
[94] Łakins in Schoolcraft, vol. I, pp. 274-275.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 of the Tukabahchee group. This statement remains unsubstantiated. The same man also stated that the Lower Creeks had two chiefs, "one governing on each side of any stream," but this would seem to refer to the chiefs of the Kasihta and Coweta, the lands of which were separated by the Chattahoochee River.

Writing in 1839, when the removal to the west was not completed, Farnham says:

"The civil government of this tribe is less perfect than that of the Cherokees. There are two bands; the one under McIntosh, and the other under Little Doctor. That led by the former, brought with them from their old home written laws which they enforce as the laws of their band. That under the latter, made written laws after their arrival. Each party holds a general council. The members of each are hereditary chiefs, and a class of men called councillors. Each of these great bands is divided into lesser ones; which severally may hold courts, try civil and criminal causes, sentence, and execute, &c. Laws, however, are made by the general councils only; and it is becoming customary to entertain trials of cases before these bodies, and to detail some of their members for executioners. The legislative, judicial, and executive departments of their government are thus becoming strangely united in one." [94a]

Eakins says "every hundred persons has a right to elect a chief, who represents them in general council." [95]

642 From the time of their emigration until after the Civil War the
643 Lower and Upper Creeks remained aloof from each other. Roly McIntosh,[96] first chief of the former division in the west, was succeeded by Moty Kennard, and when the latter died his second chief, Yakinha miko, took his place. Tukabahchee miko, often spoken of as chief of the Upper Creeks, was in reality their principal medicine maker. His fields were cared for by the people of Tukabahchee and he was allowed a salary of $500 from the Creek treasury. In 1842–43 the Upper Creek chief was Tamali miko.[96a] When the Creek constitution was adopted Itco hadjo miko occupied the position.

642 As is well known the Creeks split into two factions on the outbreak
177 of the Civil War and became pretty thoroughly demoralized. After it was ended a great council was held near Okmulgee, a constitution was adopted and a new government set up, modeled to some extent on that of the United States. There were two deliberative and legislative bodies called the House of Kings and the House of Warriors chosen from the different districts and two head chiefs, a first and a second, elected every four years by the entire nation. He who received the highest number of votes was made first chief and he

[94a] Farnham's Travels, in Early Western Travels, vol. XXVIII, pp. 129–130.

[95] Schoolcraft, Ind. Tribes, vol. I, p. 275.

[96] It appears from a writer in Schoolcraft (Ind. Tribes, vol. I, p. 267) that the second chief of the Lower Creeks under McIntosh was Benjamin Marshall.

[96a] See pp. 215–216; Stanley in Smithson. Misc. Colls., no. 88, p. 12.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 177

who received the next highest second chief, no matter whether the two so chosen had run upon the same ticket or not.

The following first and second chiefs were elected after the adoption of this constitution:

HEAD CHIEF	SECOND CHIEF
Samuel Chicote of Sawokli (served three or four terms).	Itco hadjo miko.[97]
Lŏtca hadjo of Abihkutci (or Nuyaka) (served three months and was then impeached).	Ward Coachman, of Alabama.
Ward Coachman (filled out the rest of the term).	(Left vacant.)
Joseph M. Perryman, of Okmulgee (one term).	(Uncertain.)[98]
Legus Perryman of Okmulgee (two terms).	Hotâlgi imala of Okchai.
Ispahihtca of Kasihta (one term).	Roly McIntosh of Tuskegee.
Pleasant Porter of Okmulgee (one complete term and part of a second term).	Moty Tiger of Tukabahcee.
Moty Tiger (completes term).	(Left vacant.)

Pleasant Porter was the last chief regularly elected. Moty Tiger was succeeded by the late G. W. Grayson, of Coweta, mentioned so often in this report, who was appointed by President Wilson. Mr. Grayson died in office and his son Washington Grayson was appointed his successor. When he resigned the position was conferred upon George Hill, of Tulsa Canadian.

The chiefs elected after the adoption of the constitution were not necessarily heads of the towns from which they came, and it is said of Tukabahchee miko, before that time, that he was transferred by special agreement from the Chiefs' bed at Tukabahchee to that of the Warriors because he could not be withheld from making addresses, and the delivering of addresses on the part of the town chief himself was contrary to custom. Itco hadjo miko was a tástánâgi or an imala, Samuel Chicote was only a tásikaya, Hotâlgi imala was a great war speaker (holibonaia) and also an imala, and Moty Tiger a tástánâgi. Miko hátki, given by Cook as second chief under Chicote, was, however, chief of his town, Tulsa. It is worthy of note that the ablest leaders, after the adoption of the constitution, were from the non-Muskogee towns, Ward Coachman, of Alabama, Samuel Chicote, the Perrymans, and Pleasant Porter from the Hitchiti-speaking towns, and Roly McIntosh of Tuskegee. Mr. McCombs considers the last named, although he did not reach the position of head chief, the greatest Creek statesman of his time. He was named

[97] Mr. McCombs, my authority for the incumbent of this position, was in some doubt about his correctness and the second chief may have been Miko hátki of Tulsa, as given by Cook.

[98] Zachariah Cook thought that Roly McIntosh was second chief under J. M. Perryman and Legus Perryman second chief under Ispahihtca, but Mr. McCombs is probably right.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

*442
177

for the first Roly McIntosh, who is said to have conferred the title upon him himself, in anticipation of his future greatness.

As stated already, when the Creek chief was installed an installation speech was made to him by a man of the Bird clan of Otciapofa, who instructed him regarding his duties and in general as to what was expected of him.

The duties of sheriffs or constables were discharged by eight, or about eight, light horsemen (tcilâko ohgā'ga), four for the Upper Creeks and four for the Lower Creeks.

[171]
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The government of the Seminole nation was similar to that of the Creek nation proper. They had only two light horsemen.

The following general view of the condition of the Creeks in the middle of the nineteenth century furnishes an interesting picture of them in their western home in the middle period of their decline, a decline soon afterwards accelerated vastly by the Civil War and now brought to completion by their allotment and the practical abolishment of their national government:

"The Lower Towns, from their closer proximity and greater intercourse with the whites, exhibit a much greater advance in civilization and manner than their brethren of the Upper Towns. The old custom of settling together compactly and cultivating the town fields has been altogether abandoned, and they are no longer visible in this portion of the nation; the people are settled promiscuously throughout the country; many of their farms and residences would do credit to the States. Ornaments, silver plates, ear-rings, beads, and paint, are grown into disuse, and seldom or never seen except at their festivals or ball plays. The dress of the whites is becoming common, with the exception of the hunting shirt, which is generally of gay printed calico, and may be conceived quite picturesque. It is tenaciously adhered to, and is common to all Indians. Hats, vests, pantaloons, and shoes may almost be said to be the common habilaments of the males, and dresses of the richest materials of silks and muslins, made, too, in accordance with the latest fashions, are often to be seen upon the persons of the female classes. Gold and silver watches, rich and costly articles of jewelry, viz: chains, rings, brooches, etc., etc., are also used by the rich.

"The English language, though not generally spoken, is understood by many; and a strong desire is manifested by the community at large to throw off all their old superstitious ways and customs, and to adopt the ways of the whites. On the other hand, however, it can be said that the number of the indigent and needy is much greater here in this part of the nation. The use of whiskey, too, is more general, and its effects more visible. As before stated, there is no town, nor even a village, to be met with, yet the people are every year summoned, to their great dissatisfaction, to assist in

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

building or repairing the town council houses, etc.; in many instances, to leave their crops and go a distance of 20 or 30 miles;—this service is enforced, too, under a penalty of a pecuniary fine. The settlements of the Lower Towns extend from the Verdigris river, on it and between it and the Arkansas, on both banks, to the Red fork, a distance of about eighty miles, and an average breadth of fifty. They are separated from the settlements of the Upper Towns by an uninterrupted prairie, extending from the bottoms of the Arkansas, south, to those of the north fork of the Canadian, a distance of about forty miles; they [the Upper Towns] extend from there, westward, between and on the Deep fork, North fork, and Main Canadian, to Little river, a distance of about eighty miles, and an average breadth of about sixty. From their peculiar location, they have less intercourse with the whites, and consequently do not exhibit so much improvement. Their dress, too, is more after the aboriginal form; they are forbidden to adopt that of the whites under penalty of lashes; they are, however, generally speaking, more enterprising and industrious; they grow cotton, and practise the domestic arts of spinning and weaving to a greater extent than the others. Cases of extreme poverty are more rarely to be met with. The chiefs are more generous, and their policy more liberal than those of the Lower Towns. In addition to the two blacksmiths' shops, furnished them by treaty stipulations, they have a public shop, which is supported out of their portion of the annuity; they have also devoted a portion of it to the erection of a water mill, and the support of a millwright; they have also a wheelwright, but he is paid by the government; they have not so much wealth as the Lower Town chiefs, generally speaking—(the McIntosh family are supposed to be worth $150,000 and B. Marshall some $50,000) yet *they* contribute nothing towards anything of this kind—alleviating the distresses of the poor, or to affecting any improvement in their country; however, it is reported that Opothleyoholo is by far the richest man in the whole nation." [*]

Hitchcock informs us that the Creek laws were compiled, or rather digested, in 1826 before the emigration and that an abstract of the digest was approved by a general council in 1840. Mr. N. L. Alexander, the Creek through whom Hitchcock obtained access to these, did not think that the first written laws antedated about the year 1822, but Hitchcock himself remarks that the year "1817" was entered opposite the law punishing murder. He adds:

"Most of the laws—there are but few altogether—relate to the punishment of the most prominent crimes, known as such among all men, and the regulation of property rights. They scarcely touch upon the ancient customs and usages of the Nation which are for the most part left in full force. Infanticide was formerly not uncom-

[*] James Logan, in Indian Affairs Report, 1845, pp. 314-317.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 671 mon; it is prohibited by the written laws. An attempt was made in 1840 to abolish a custom giving to the relations of a husband on his death the power of keeping the widow secluded and forbidding her second marriage for a period of four years. They attempted to restrict the period to 12 months, but the people would not listen to it and the council yielded to the public voice and repealed the law in 1841." [1]

PROPERTY

421 So many old Creek customs, usages, and laws have become lost or obscured that it is difficult to reconstruct the primitive system with any certainty from what is remembered at the present day. With regard to property it is to be noted that two strong influences constantly operated to dilute the sense of individual ownership. These influences were the powerful kinship system and the abundance and accessibility of all of those things—or the raw materials of those things—necessary in aboriginal life. The value which we attach to things is dependent to a very considerable extent on the ease with which we can replace them.

[574] As was usual among primitive people, strangers were provided with food and a place to sleep gratis. This might be in the community hot house, or, after the clan of the visitor had been revealed, in the home of some man married into that clan. Regarding chattels we could wish the information from these Indians were more specific. Adair "observed with much inward satisfaction the community of goods that prevailed among them" but he immediately begins to speak of their hospitality in the matter of food and shelter which is quite a different matter.[2] Bartram says:

"Now, although it appears that these people enjoy all the advantages of freedom and private property, and have laws, usages, and customs, which secure each one his rights according to reason, justice, and equality, the whole tribe seems as one family or community, and, in fact, all their possessions are in common; for they have neither locks nor bars to their doors, and there is a common and continual intercourse between the families of a tribe; indeed, throughout the Confederacy, they seem as one great family, perfectly known and acquainted with each other whenever they meet.

426 431 "If one goes to another's house and is in want of any necessary that he or she sees, and says, I have need of such a thing, it is regarded only as a polite way of asking for it, and the request is forthwith granted, without ceremony or emotion; for he knows he is welcome to the like generous and friendly return at any time . . ." [3]

If Bartram could have examined actual conditions more intimately he would probably have found that this exchange took place

[1] Hitchcock, Ms. notes.
[2] Adair, Hist. Am. Inds., p. 17.
[3] Bartram, Trans. Am. Eth. Soc., vol. III, p. 41.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

422

From what Adair tells us[146] it would seem that the stones used in playing the chunkey game were town property.

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The house, and probably the necessary household furniture, belonged to the wife, the tools made and used by the husband to him, and thus they were vested in different clan groups and some of them probably went to entirely different persons at the death of the owners. In early times such a large part of a man's personal property was buried with his corpse that not much was left for heirs to quarrel over. Bartram says that the first selection from whatever was left was made by the head wife of the deceased, the remainder being divided between his other wives and his children.[147] This may have been true in certain special cases but there is reason to doubt that it represented a custom common in earlier times. Says Eskins:

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"The descent of property is fixed. It is willed as the parents please. But if no will has been made, the property reverts to the children. But in case of a marriage with a widow, with children, her property reverts to her children by her first husband. The eldest son is entitled only to an equal portion with the rest. A written will is binding. A verbal will, established by two responsible persons, is valid also. If there has been no other disposition made of the medal, it goes to the eldest son. In former times, all relics were taken possession of by the deceased sister's eldest son. But now they are the subject of legacy as other property."[148]

This statement dates, of course, from a comparatively late period in the history of the Creek Indians, about the year 1850. The same authority states just above that anciently all property descended in the female line—indeed, he implies as much in the quotation just given—and there is every reason to believe that this is correct. It is confirmed by Gregg.[149]

423

As to the lands of the confederacy outside of these town areas we may probably rely upon the following statement, also by Bartram:

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"Every individual inhabitant has an equal right to the soil and to hunt and range over this region, except within the jurisdiction of each town or village, which I believe seldom extends beyond its habitations and planting grounds. Perhaps the *Uches* are to be excepted. They claim an exclusive property, by right of a contract; but though they sometimes put the Creeks in mind of this privilege, when their hunters make too free with their hunting grounds, yet the dispute seldom goes further, as the Confederacy are cautious of offending the Uches, and yield to their common interest and safety."[150]

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[146] See p. 688.
[147] Bartram, Travels, p. 514.
[148] Schoolcraft, Ind. Tribes, vol. I, p. 283.
[149] Gregg, Commerce of the Prairies, in Thwaites, Early Western Travels, vol. 20, p. 227.
[150] Bartram in Trans. Am. Eth. Soc., vol. III, p. 22.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

The Yuchi probably claimed an exclusive right to hunt in their ancient territories on the Savannah and Ogechee.

Spoils taken in war were the property of the captor. Rights to land on the part of tribes and towns seem to have been based on original occupancy, hunting, and conquest in wars with other tribes.[19] It is probable that if we could investigate the Creek confederacy as it existed in the seventeenth and eighteenth centuries we should find that, in spite of a freedom to hunt broadly exercised, certain towns and clans claimed prior rights over parts of the common territory outside of their contiguous town limits, so easily does the idea of ownership become associated with that of use.[20] Coweta in particular seems to have put forth extensive claims to ownership of territory in the eastern part of the Creek area, and early in the nineteenth century even professed a right to dispose of the lands of the entire nation. This was, however, a political move fathered by the State of Georgia and that half-breed element which was acting in its interest.

In general we may say of the ancient Creeks that use and ownership among them were pretty closely united while the clan system and accompanying feeling of solidarity and sense of the duty of hospitality diffused prosperity to such an extent that well being was pretty widely extended and contrasts between wealth and poverty comparatively slight.

Finally I can not refrain from quoting the following passage from Hawkins, which shows clearly the economic basis of the difficulties between the whites and the larger tribes of Indians in the Southeast:

"Notwithstanding, I rely for the present on the assurance I have received [from the Indians], I must inform you that the game has become scarce; the wants of the Indians are increasing, the men too proud to labour; the distemper has destroyed their horses; the presents heretofore given by Great Britain, in quantities sufficient to cloathe all the idlers, has ceased; those given by Spain are mere baubles. The men, bred in habits proudly indolent and insolent, accustomed to be courted, and to think that they did a favour by receiving, where naked, cloathes and comforts from the British agents, will reluctantly and with difficulty, be humbled to the level of rational life."[21]

Crime and Punishment

The word haksi was used by Chickasaw of Adair's time "to convey the idea of a person's being a criminal in any thing whatsoever," and "such unfortunate persons as are mad, deaf, dumb, or blind, are called by no other name."[22] The original meaning of this word is

[19] Schoolcraft, Ind. Tribes, vol. I, p. 282.

[20] Eakins denies, however, that families had exclusive rights to any hunting grounds. This was after the removal west.

[21] Hawkins, Letters, in Ga. Hist. Soc. Colls., vol. IX, p. 240; cf. also p. 209.

[22] Adair, Hist. Am. Inds., p. 157, footnote.

I: Swanton E-5 (1911-12)1928 NN11 Creek NN11

721 country was engaged in fighting her, and of more recent dealings of the same kind. It shows also how the customs of a people react inevitably upon themselves for good or for evil.

•642 721 In the case of the confederacies above mentioned the very abolition of war between certain units increased the power of the aggregate body and at the same time their temptation to use this advantage in the exploitation of their less well-organized neighbors. And in the Creek confederacy, for instance, while its very existence depended on the fact that certain tribes had agreed to live without fighting, social advancement and the whole structure of the state was dependent on war to such a degree that a complete account of the institution involves an almost complete account of the Creek social system. This having already been given, we are now in a position to take up more particularly the method of waging war.

[302]

FIG. 103.—Head of a Creek warrior. (After Romans)

726 The Creek warrior fought almost naked. He wore, of course, the breechclout and belt, also a pair of moccasins. His face and the upper part of his body were painted red and black. He carried a pack in which were an old blanket, some parched ground corn, cords, and leather with which to repair his moccasins. His weapons consisted

[311] in earlier times of a bow and arrows, a knife and a tomahawk hanging at the side, and a war club stuck through his belt. Adair mentions a javelin which would be a short spear or throwing knife.[95] In later times the bow and arrow gave place to the gun, though the former were used along with the latter as late as Adair's time. The war club (ătasa) was, however, the principal symbol of the institution. Stiggins describes it as "shaped like a small gun about 2 feet long, and at the curve near where the lock would be is a thin square piece of iron or steel with a sharp edge drove in to leave a projection of about 2 inches."[96] It is remembered at the present day as an implement like a combined hatchet and knife, which could either be retained in the hand or thrown. One form of headdress of a Creek warrior is shown in the accompanying illustration, taken from the work of Romans (fig. 103).

721 Intertribal warfare among the southern Indians was suppressed so long ago that not much is remembered regarding it. In this

[95] Adair, Hist. Am. Inds., p. 398. [96] Stiggins, Ms. Hist. Narr., p. 36.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

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been for war at the same time; or taken, as they express it, the war talk.

"The Great Warrior, when he marches, gives notice where he shall encamp, and sets out sometimes with one or two only. He fires off his gun and sets up the war whoop. This is repeated by all who follow him, and they are sometimes for one or two nights marching off." [33]

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Regarding the fasts which preceded such expeditions the same writer says:

"When young men are going to war, they go into a hothouse of the town made for the purpose, and remain there for four days. They drink the Mic-co-ho-yon-e-jau [miko hoyanidja] and the pos-sau [pasa], and they eat the Sou-watch-cau [sawatcka].[34] The fourth day, they come out, have their bundle ready, and march. This bundle or knapsack, is an old blanket, some parched corn flour, and leather to patch their moccasins. They have in their shot bags, a charm, a protection against all ills, called the war physic, composed of chit-to gab-by [35] and Is-te-pau-pau,[36] the bones of the snake and lion.

"The tradition of this physic is, that in old times, the lion, (Is-te-pau-pau,) devoured their people. They dug a pit and caught him in it, just after he had killed one of their people. They covered him with lightwood knots, burnt him, and reserved his bones.

"The snake was in the water, the old people sung and he showed himself. They sung again, and he showed himself a little out of the water. The third time he showed his horns, and they cut one; again he showed himself a fourth time, and they cut off the other horn. A piece of these horns and of the bones of the lion, is the great way physic." [37]

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Considerable discredit has been cast upon Milfort by his pronounced egotism and the evident exaggerations introduced into his version of the migration legend of the Creeks, also by the picture of unity in the Creek confederacy which he presents. There are internal evidences of reliability about much of his information, however, and it must be remembered that his acquaintance with the confederacy was during the period of McGillivray's dictatorship when centralization of authority was at its height. I therefore believe that considerable value attaches to the following information; at least it gives us nearly all we know about the conduct of military operations in which

[33] Hawkins, Ga. Hist. Soc. Colls., vol. III, p. 72.
[34] Cf. Spoon in Mem. Am. Anth. Ass'n., vol. II, p. 118.
[35] This is intended for taito yabi, "horned snake." The Creek chief Chicota told Doctor Gatschet that this medicine was used in hunting, not in war, but such customs change from decade to decade.
[36] Isti papa, "person eater."
[37] Hawkins, op. cit., pp. 79-80.

1: Swanton E-5 (1911-12)1928 NNIl Creek NNIl

726 177 642 several towns joined. There was not before or after this time the same unity of action, not even in the Creek-American War. The general correctness of Milfort's account is indicated by numerous points of agreement with the facts recorded by Adair and the other writers quoted above; in particular the prominent position he gives the war club as a war symbol tallies exactly with every scrap of information derived from other sources. The war medicines spoken of by Hawkins and in Chekilli's migration legend do not appear here; they were probably carried only by the head chief, or perhaps only by the chief of Kasihta.

Milfort claims to have been instrumental in doing away with the custom of burning captives at the stake,[35] but from what Bartram says[35a] it is evident that it had begun to decline several years before. Milfort also says that he induced the Indians to rate the taking of a prisoner at three scalps which should belong to the captor.[35]

His account follows:

726 "When he [the head war chief] had made known the necessity of calling together the warriors, a club was immediately exposed in public, part of which was painted red; that signified that a part of the nation, that is the young men, must hold themselves in readiness to march; for if the club had been colored red all over the entire nation would have had to prepare itself, something which happens only under extraordinary circumstances. The manner of painting this club red also lets each particular chief know at the same time how many men he must bring with him to the appointed rendezvous, so that the head war chief is always certain of the number of soldiers he will have at his disposal, a number which he regulates according as circumstances demand, and which he is able to fix absolutely.

[211] "When it is thus necessary to assemble the warriors at a common rendezvous, the head war chief has a club partly colored red given to each subordinate chief; it is usually accompanied by a certain number of little sticks, which serve to inform the warriors who carry them into the different cantons of the nation, of the day when they must be at the general rendezvous, with the number of young men needed for the march. Each day at sunrise a stick is thrown away, and the day on which they throw away the last must be that of their arrival at the place of meeting; there have been few cases of delay in this general muster. In order to provide against every slip of the memory, the bearers of the red club are obliged to give to each chief every day the watchword, which is usually the name of the place and the day of the meeting. I am going to give here a more detailed account of this red club, to say how it is given and what is its use.

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[35] Milfort, Mém., p. 219. [35] Milfort, op. cit.

[35a] Bartram, Travels, p. 211.

2: Swanton E-5 (1911-12) 1928 NN11 Creek NN11

their home in the west and one town followed them. This may indicate nothing more than the high regard in which the Shawnee were held. Certain innovations in the busk procedure may have been due to them, but to prove it we must wait for a study of Shawnee ceremonials.

The story of Sanger Beaver probably represents very well the psychological attitude of the Indians toward their great ceremonial and epitomizes their opinion of its place in their lives even though it may not have the slightest basis in fact. The busk with its fire, its medicines, and its ceremonial was a great unifying element between the several members of the Creek confederacy, all the tribes which united with it either adopting such a ceremonial or altering their own to agree with it. And further than that it was a special unifying institution within each town, bringing all together for a definite purpose in which the good of each and the good of all were bound up. All transgressions, except some forms of murder, were then forgiven, all disturbances adjusted, and thus the unity and peace of the state reestablished. As with so many reputed founders of civilized states in the Old World, and as in the case of Hiawatha among the Iroquois, a primeval age of barbarism and warfare is put an end to by a lawgiver acting as the medium of supernatural agents, or possessing great supernatural power. The object of his labors is law, order, and peace. Thus the busk is supposed to be a great peace ceremonial, "the white day," the square ground is considered "the yard of peace," white feathers are used there, and its white smoke is intended to reach the sky. The White clans and Tcilokis were to play peaceably in the ball game and the side which won was to take both bunches of feathers. When a council of any kind was held, pipes were lighted and smoked, and the smoke ascending from them was called "the white smoke." As Swan tells us, the native name of the sacred medicine called "black drink" by the whites is really "the white drink." It is now claimed that the four foundation sticks of the fire depict the junction lines of "the white treaty" with the United States Government, and an old Tukabahchee Creek said that the White people promised to be on the north end of the north back stick of the busk fire. This interpretation, however, has evidently superseded an earlier one in which the Creek confederacy as represented by its four leading towns, Coweta, Kasihta, Tukabahchee, and Abihka, was symbolized by the fire sticks. The fact that the beds of the miko and henihas are often spoken of as white and were usually occupied by White clans also shows the dominance of the idea of peace in the square ground and particularly the busk ceremonial held there. It is to be added that at the time of this ceremonial everyone must speak in a low, gentle tone of voice, if children begin to cry, they must be quieted at once without disturbance, and a general air of harmony must be preserved.

2: Swanton E-5 (1911-12) 1928 NN11 Creek NN11

at once without disturbance, and a general air of harmony must be preserved.

If it may be relied upon as a common belief the following information obtained by Doctor Speck from Laslie Cloud, medicine maker of the Tuskegee, is very valuable:

"Upon the same occasion (the busk) the clan totems and other animal spirits are worshiped and propitiated by numerous dances each with its own song and gestures. These address prayer and express gratitude to the propitious ones and correspondingly placation to those that are believed to be nocuous. To take an example, the *stikinī*, 'little screech owl,'[35b] is an unfavorable spirit of the dead, causing death or announcing death to the one who hears it. So the *Stikinobànga*, 'Little-screech-owl dance,' is functionally a prayer to the screech owl for immunity from its visits. These dances are performed publicly on the square ground and all spectators may take part freely. In other cases dances are directed, as acts of worship by emulation, to the spirits of animals whose flesh is food. The emulation is believed to affect the spirits of the dead animals in their reincarnation upon the earth. So with the fish dance, the buffalo dance, and others." [36]

Unfortunately I have been entirely unable to substantiate this even at the mouths of very intelligent old people and consequently do not know whether it was the personal understanding of Laslie Cloud or represented a former widely extended belief. But since the busk was a very sacred ceremonial a symbolic meaning was likely to be extended over every feature connected with it.

But we must not lose sight of the fact that the "peace" of the busk was a peace with limitations. It included the town busking, it included in a lesser degree the other Creek towns of the same fire, and in a lesser degree still the towns of the other fire, the contests with which were merely through ball games, but here it stopped and, just as peace and ball games were institutional up to that point, so was war institutional beyond that point. War was by no means excluded from consideration in the square ground and the busk, or even temporarily suppressed. The warriors had their distinctive beds where they were ranged in grades, advancement in the seatings, and along with it new names, was granted for achievements in almost all cases obtained in war, the warriors had their definite part in the ceremonies, and the atàsà, the war symbol, was given to the youth who was thus renamed, carried by the women who led the women's dance, and indicated by short posts or by markings upon the tall posts in the front of the beds of the chief himself.[37] Atàsà posts

[35b] This is really the horned owl.

[36] Speck in Mem. Am. Anth. Asso., vol. II, pt. 2, pp. 134–135.

[37] It is now denied that there is any ceremonial meaning to the atàsà sticks carried by the women in the women's dance or to the feathers which the young men like to stick in their hats, but both are undoubtedly descended from significant usages.

2: Swanton E-5 (1911-12) 1928 NN11 Creek NN11

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are shown in Figure 5 of the preceding paper, from an early French sketch.[38] As in the reform movement of Hiawatha among the Iroquois and similar reforms in other parts of the world, that perception of the injurious effects of war with which the confederacy started was not carried on progressively toward its legitimate conclusion, the absolute extinction of warfare, but halted part way. In the relative benefits which the new union conferred by introducing local peace were lost to sight the very much greater benefits which would have been conferred by carrying out the project to its only logical end. The local well being and warlike effectiveness of a certain group of tribes was very much advanced as compared with that of many of their neighbors, and with this they remained content.

796

The busk was in reality the fourth of a series of ceremonials, the first three of which are called "stomp dances" and included only a minimum of ceremony, being in a way preparatory to the great busk proper. It is likely that in ancient times these were of more importance and perhaps deserved the name of busk also. The time of these ceremonies was formerly fixed by the period of the new moon and therefore varied somewhat. The first stomp dance was usually in April, but sometimes probably in May, while the busk proper was usually in July but with some towns as late as August. In ancient times the date of the busk was supposed to be governed by the first ripening of the large or flour corn,[39] and this will account for the fact that among the Florida Seminole it is said to occur as early as June.[40]

The Koasati observed one of the three first stomp dances with more than ordinary care. It was the one held in May and was when the mulberries were ripe. It will be remembered that Adair says of the Koasati that "they annually sanctify the mulberries by a public oblation,"[41] and I was told as much by David Cummings, probably the only Creek living in 1912 who could remember about the old busk ground of the main body of Koasati, known as Koasati No. 1. He said that they busked in May when the mulberries were ripe and again when the roasting ears were ripe. Stiggins states that the Koasati celebrated the coming of the new crop of beans in addition to the coming of the new corn, and this was probably identical with the mulberry feast.[41a]

The following feast mentioned by Adair was perhaps at the time of one of these stomp dances—at least it was at the same time of the year—although there are features reminding one of the "old peoples' dance" which the Creeks held in October. Adair says of this feast:

[38] Journ. Société des Amér. de Paris, 1922.

[39] Adair says it was anciently fixed by "the beginning of the first new moon in which their corn became full eared," but later by the time of harvest. (Hist. Am. Inds., p. 99.)

[40] See MacCauley, Fifth Ann. Rept. Bur. Ethn.

[41] Adair, Hist. Am. Inds., p. 267.

[41a] See p. 568.

3:Swanton E-5 (1911-12, 1929)1931 NN11 Creek NN11

several actual cases of such assimilation in later times. However, so far as the tribes enumerated are concerned, this must always remain in doubt. 101 619

When the tribes of the Confederation first became known to white people, they were distributed geographically into two main sections to which the names Upper Creeks and Lower Creeks have become attached. The former were on the Coosa and Tallapoosa rivers and the upper course of Alabama River in the present state of Alabama, the latter on the lower and middle courses of the Chattahoochee, which now forms part of the boundary between Alabama and Georgia. It was this latter division principally which lived upon Ocmulgee River for a time and thus gave rise accidentally to the popular English name for the entire people. A minor division also existed between those Creeks living on the middle course of Coosa River and those centering about the lower Tallapoosa, the two being sometimes designated as Upper and Middle Creeks, respectively. In the distribution of the original Muskogee tribes, the Abihka and Coosa constituted the greater part of the Upper Creeks, while the Kasihta and Coweta were the dominating element among the Lower Creeks. The Okchai, Pakana, Tukabahchee, Atasi, Kealedji, Łiwahali, Łapłáko, Kolomi, and a number of towns descended from the Coosa, including Otciapofa, the Tulsa towns, and the Okfuskee towns, besides several minor groups, formed the bulk of the Middle Creeks. The Eufaula had the distinction of being connected with all three. Their oldest seat seems to have been in the Upper Creek country; later they established themselves among the Middle Creeks and about the period of first white contact they formed a colony well down Chattahoochee River, among the Lower Creeks. To complete the story of their migrant habits, we may add that they seem to have furnished the first true Muskogee contingent to the Florida Seminole in the Red House or Tcuko Tcati Indians north of Tampa Bay.

Tradition seems to be borne out by circumstantial evidence in pointing to the Lower Creek country as that region in which the tribes in question began their federation. According to the story this had to do on the one hand with the division of the Muskogee into the Kasihta and Coweta and on the other with the relations between them and the non-Muskogee elements, particularly the Apalachicola. The relations of the Kasihta and Coweta to each other are somewhat uncertain, for while it is at times implied that they resulted from the fission of a single body of people, the most popular traditions speak of them as having come from the west 101 619 642

3:Swanton E-5 (1911-12, 1929)1931 NN11 Creek NN11

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as two distinct tribes and it is possible that the one-tribe idea may be the result of later rationalizing. The story goes that, having defeated all of their enemies, the Kasihta and Coweta instituted periodical ball games as a kind of "moral equivalent for war," and afterwards, when either of them established relations of friendship with other Indians, whether Muskogee or not, these Indians entered on the same side as their friends so that this dual system soon became general.

One of these sides, that of Kasihta, came to be known as the White or Peace side, though it did not receive that specific name; while the side of Coweta was the Red or War side.

At the same early period the Muskogee entered into intimate relations with the Apalachicola Indians, who spoke a dialect related to Hitchiti. This was the outgrowth of a treaty of peace following upon hostilities, or to avert threatened hostilities. The Apalachicola were then taken into the Confederation on the same side as Kasihta. In some particulars, however, they are held to have been more representative of the White towns than Kasihta and for that reason their settlement came to be called Tâlwa Łâko, "Big Town." Indeed, the migration legend related to Oglethorpe by Tchikilli implies that Kasihta was at least partly Red, their hearts being "red on one side and white on the other." However, in all later times Kasihta assumes the leadership of the White towns among the Lower Creeks, as does Coweta the leadership of the Red towns. Four having been the sacred number—the sacred formulae being gone through four times, four arbors or beds constituting the ceremonial buildings in the square ground and four sticks the number employed in the ceremonial fires—it is not surprising that the Creeks should select two towns from the Upper Creeks, taken collectively, to add to these two leading Lower Creek towns. The White towns of the Upper Creeks were represented by Abihka, the Red towns by Tukabahchee, the second being from that group I have called Middle Creeks, the other from the northernmost bounds of the Nation. These four towns were the "back sticks" of the Confederation, and each had a special ceremonial name, viz., Kasihta Łâko ("Big Kasihta"), Coweta Mahmayi ("Tall Coweta"), Tukabahchee Ispokogi, and Abihka Nâgi. Ispokogi was the name of the culture heroes of the Tukabahchee and it may be a Shawnee term. It bears a suspicious resemblance to that of the Kispokotha band of Shawnee. I do not know the meaning of Nâgi. The Abihka were also called specifically "the door-shutters" because they protected the northern frontier of the Confederation.

3:Swanton E-5 (1911-12, 1929)1931 NN11 Creek NN11

In course of time the non-Muskogee element represented by the Apalachicola Indians was increased, first by other groups related to the last mentioned—such as the Hitchiti, Okmulgee, Sawokli, and Tamali—who spoke closely related languages and called themselves Atcik-hata, a term said to have some reference to the ashes of the ceremonial fire in the square grounds. These Indians formed the greater part of the first Creek invaders of Florida who presently constituted the Seminole nation. The leading town in this southward movement was Oconee, almost certainly affiliated with the Atcik-hata, and the titular leadership among the Seminole remained with them until after the Seminole War. However, the complexion of the Seminole as a whole was changed from Atcik-hata or Hitchiti, to Muskogee by the multitudes of refugees which fled to Florida after the Creek War of 1813-14. The later removal to Oklahoma seems to have reversed the situation since more than two-thirds of the Indians now in Florida speak a language of the Hitchiti group.

There is strong evidence that the Chiaha Indians originally spoke Hitchiti and that the Mikasuki of Florida branched off from them, but some early event in their history separated them from the other Atcik-hata and made them allies of the Coweta. This friendship they shared with the Osotci who seem originally to have belonged to the Timucua linguistic group of Florida. To the Upper Creeks were added the distinct but dialectically related Alabama, Koasati, and Tuskegee, while bands of Yamasi and Apalachee were temporarily connected with both Upper and Lower Creeks. The Alabama town of Tawasa seems to have had an origin similar to that of the Osotci. At a very late date the wholly alien Yuchi population was admitted into the Confederation, most of them making their home among the Lower Creeks though there was a small body also among the Upper Creeks. And more divergent still were the Shawnee, from among whom two towns made their homes in Creek territory for several decades during the eighteenth century. One of these probably continued on into the early years of the nineteenth century.

It may be added that towns are known to have changed from one side to the other. Alabama was once a White town closely associated with the Okchai, but later they were affiliated with the Tukabahchee and came to be reckoned as Red. Wiogufki, Hilibi, and Wiwohka are also said to have shifted from one side to the other. In the case of the two last this may be partially explained by the fact that, if we may trust native tradition, they were built up of refugees from other settlements.